

1907-024
Nansemond Co (Suffolk)

Chancery Causes: Mattie F. Milteer vs W. H. Milteer et al

Reed, Sawyer

R. H. Rowles Special Collector in the chancery cause
of M. F. Milten vs W. H. Milten et al now pending
in the Circuit Court of Hancock County will
pay to Dr. D. L. Harrell the sum of fifty (\$50)
dollars out of any money coming to me in said
cause and they shall be your receipt for
so doing. Apr. 20. 1907.

Witness:

D. H. K. C. G.

Paid in full

May 27. 1907.

D. L. Harrell

Will H. ^{his} Harrell
made

\$ 5 $\frac{94}{100}$



Received of

May 18th 1907
R. H. Reader special Comair

Five $\frac{94}{100}$

100 DOLLARS

Charles Cost in full in Chancery Cause
of Mallie J. Milner vs W. H. Milner et al.

No.

W. H. Milner D.C.

\$

5.00



Received of

May 18 1907

W. H. Miller special Collector

Five x x x

100 DOLLARS

for selling real estate at auction
in cause of Walter F. Miller vs W. H. Miller

No.

J. Wall Stacey

R N Rawles Jr

To R. R. SMITH, Clerk Circuit Court of Nansemond County, Dr.

1906

~~Tax and Clerk Fees~~ in suit *in Chancery of matter*

Nov 26 *J. Meleer vs W N Meleer & heirs* \$1.50

Paid Dec. 7. 1906. *SM Rawles Jr* Clerk.

\$ 2 ⁰⁰



Received of

May 18th 1907
R. H. Rawley Special Collector

Two x x

100 DOLLARS

Sherriff's Cost in fees in Chancery Court
Mallie J. Milten vs W. H. Milten et al

No.

A. M. Baker Sheriff

\$

15⁰⁰



Received of

7 May 18th 1907

W. H. Miller, Official Collector

Fifteen

00 DOLLARS

Comm. for in Comm.
Mallin J. Miller vs W. H. Miller

W. H. Miller

No.

\$ 70 =



Received of

May - 23 - 1907
R.H. Rawler special Caucuis

Seventy x x x

100 DOLLARS

in full of the debt due to be paid to
me in the cause of Martin F. Miller vs W.H.

Miller and

No.

Witness: E. E. Hall and

Will x Harrell
mark

\$ 2 $\frac{26}{100}$

May 25th 1907



Received of

R. H. Reader special Commr

Two $\frac{26}{100}$ —

100 DOLLARS

in full payment of amt due me from
Sale of Real Estate in suit of Martin J.

Millett vs. W. H. Millett et al.

No.

Witness:
E. F. Smith.

W. H. Millett
per mark

\$ 2 $\frac{76}{100}$

June 11th 1907



Received of

W. H. Rhodes special Comair

Two $\frac{76}{100}$

¹⁰⁰ DOLLARS

in full payment of all due me from 20th real estate in
Case of Miller & Miller vs W. H. Miller in
Circuit Court of Williamson County.

No. Withers:
E. J. Lee.

Jallie Ann Reid ^{her}
X
mark

\$

2 $\frac{76}{100}$

May 25th

1907



Received of

R. H. Reader special Care

Two $\frac{76}{100}$

100 DOLLARS

in full payment of the debt due me from
Sale of real estate in suit of Miller & Co.

No.

Witness

E. F. Mitty

Miller & W. W. H. Miller et al.

Edwin

Miller

Mark

\$ 2 $\frac{76}{100}$



Received of

May 25th 1907

R. H. Rander special Collector

Two - $\frac{76}{100}$ -

100 DOLLARS

in full payment of debt due me in the
real estate in suit of Walter F. Miller
W. H. Miller shole. lvs

No.

W. H. Miller
E. F. Trully.

John F. Miller
Mark

\$2 $\frac{76}{100}$

Bosley N.C.

Recd of R. H. Rawles special. Cairns
Two $\frac{76}{100}$ dollars in full payment of the
Ours due me from sale of the Pat-
rick Milten estate in the chancery
cause of Matter F. Milten vs W. H.
Milten et al. May, 29, 1907.

For and to the use of



THE SPACE ABOVE IS RESERVED FOR POSTMARK.

POSTAL CARD

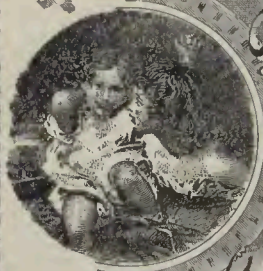
THE SPACE BELOW IS FOR THE ADDRESS ONLY.

*Mr. R. H. Pavle
Suffolk
Va.*

\$

$\frac{69}{100}$

May 25th 1907



Received of

R. H. Rawley special Cession

$\frac{69}{100}$

100 DOLLARS

in full payment of my share from sale of
real estate in trust of Walter F. Miller
W. F. Miller share

No.

Witness: S. J. Ellis

Mary E. Sawyer by
Jas. F. Miller
made

\$ $\frac{69}{100}$



Received of

May - 24 - 1907
B. H. Rawles Special Commr

$\frac{69}{100}$

100 DOLLARS

in full of acct due me in favor of Mattie F. Milteer

W. H. Milteer et als.

No. Wm. Wm.

S. J. Ellis

Mattie F. Milteer
her mark



49
100



Received of

May 25th 1907
R. H. Cowles special Coowner

49
100

100 DOLLARS

in full payment of the debt due me from
Sale of real estate in trust of Walter F. Milton & Co

W. H. Milton & Co

No.

Witness: S. J. Davis

James W. Milton
mark

\$

$\frac{49}{100}$



Received of

May 25th 1907
R. H. Rauler special Cashier

$\frac{49}{100}$

100 DOLLARS

in full payment of debt due me from
sale of real estate in trust of Walter F.
Miller for W. F. Miller and

No.

Witness: S. J. Ellis

Wallace L. Miller
mark

R. R. Smith Clerk Circuit Court of
Hauemann County:

Matthie H. Milteer

Pliff

$\frac{1}{vs}$

✓ W. H. Milteer

✓ Sally Ann Reed

✓ Edwin Milteer

✓ John Milteer

✓ Frank Milteer

✓ Mary E. Sawyer

✓ James Milteer

✓ Wallace Milteer

In chancery.

defts

infant
infant

Issue summons for plaintiff against defend-
ants to 1st December under 1906 to answer
a Bill in Chancery.
The two last defendants are infants.

R. H. Rawler J. C.

Send the summons for Frank Milteer
and Mary E. Sawyer to me. they are
out of the County. R.H.R.

Due paid
\$1.50

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *W. N. Milteer,*
Sally Ann Reed, Edwin Milteer,
John Milteer, Frank Milteer, Mary
E. Sawyer, James Milteer infant and
Wallace Milteer infant

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 *December 1906* to answer

a Bill in Chancery, exhibited against *them*
 in the said Court by *Mattie S. Milteer*

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this *26th* day of
November, 190*6*, in the 13/^{*th*} year of the Commonwealth.

A copy—Teste :

CLERK. }

Teste :

R. R. Smith, CLERK.

By J. J. Somers deputy Clerk

R N Rawles, p. q.

Matthie F. Milster

VS.

IN CHANCERY.

W N Meeber and
Others

1906.

December Rules.

Trist Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 2

Page 23

Created this 3rd day of Dec 1906. by commencing the western route
from West Miller. daily from West Elmore Miller
and John Miller and others

137
1877

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON W. H. Milteer, Sally Ann
Reed, Edwin Milteer, John Milteer, Frank Milteer, Mary E. Sawyer,
James Milteer infant and Wallace Milteer infant

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 December, 1906, to answer
a Bill in Chancery, exhibited against them
 in the said Court by Mattie F. Milteer

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 25th day of
November, 1906, in the 13th year of the Commonwealth.

A copy—Teste:

Teste:

R. R. Smith, CLERK. }
B. A. Somers Deputy Clerk

R. R. Smith, CLERK.
B. A. Somers Deputy Clerk

R N Rawles, p. q.

A Copy for

VS. } IN CHANCERY.

Wallace Miller infant-

190 *6*

December Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. *3*

Page *23*

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON W. H. Milteer, Sally Ann Reed,
Edwin Milteer, John Milteer, Frank Milteer, Mary E. Sawyer, James
Milteer infant and Wallace Milteer infant

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 December, 1906, to answer
A Bill in Chancery, exhibited against them
 in the said Court by Mattie F. Milteer

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 26th day of
November, 1906, in the 131st year of the Commonwealth.

A copy—Teste :

Teste :

R. R. Smith, CLERK. }

R. R. Smith, CLERK.

By A. P. Somers Deputy Clerk

By A. P. Somers Deputy Clerk

I hereby accept sufficient and legal service of the
within summons or motion. Dec. 1. 1906.

Sign here

~~W. H. Still~~

With over:

W. H. Still

X For and at the Court of

R. N. Rawles, p. q.

A copy for

vs. } IN CHANCERY.

Frank M. Minter

1906

December Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 23

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON W. H. Milteer, Sally Ann
Reed, Edwin Milteer, John Milteer, Frank Milteer, Mary E. Sawyer,
James Milteer infant and Wallace Milteer infant

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 December, 1906, to answer
a Bill in Chancery, exhibited against them
in the said Court by Mattie F. Milteer

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 26th day of
November, 1906, in the 13th year of the Commonwealth.

A copy—Teste:

Teste:

R. R. Smith, CLERK.
By J. P. Somers Deputy Clerk

R. R. Smith, CLERK.
By J. P. Somers Deputy Clerk

I hereby accept sufficient and legal service
of the within summons or notice. Dec 1. 1906.

Superior Court 1135

X Mary E. Sawyer X

With over:

Thos. E. Sawyer

R. H. Rawles, p. q.

A copy for

VS.

IN CHANCERY.

Mary E. Sawyer

1906

December Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 23

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON W. H. Milteer, Sally Ann
Reed, Edwin Milteer, John Milteer, Frank Milteer, Mary E. Sawyer,
James Milteer infant and Wallace Milteer infant

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 December, 1906, to answer
a Bill in Chancery, exhibited against them
 in the said Court by Mattie E. Milteer

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 26th day of
November, 1906, in the 13th year of the Commonwealth.

A copy—Teste :

Teste :

R. R. Smith, CLERK. }
J. A. G. Somers Deputy Clerk }
R. R. Smith, CLERK. }
J. A. G. Somers Deputy Clerk }

R N Rawles, p. q.

A copy for

VS. } IN CHANCERY.

James Millett Infant

190 *6*

December Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. *3*

Page *23*

In the Clerk's Office of the Circuit Court
of Waukesha County in vacation on
the 3rd day of December 1906.

On the motion of the Co-counsel
John P. Lee a dis creet attorney at
law is hereby appointed guardian
ad litem for the defendants James
Miller and Wallace Miller
and required to defend their in-
terest in this cause.

Matth J. Miller

W. H. ^{W. Miller} Reed et al.

A. P. Gomez D. C.

Ex Paid

\$1.50

Order appointing
Guardian ad litem
for infant heirs.

Know All Men by These Presents, That we, *R N Rawles*
and *The United States Fidelity and Guaranty*
Company his surely by *Richard L Woodward*
Attorney in fact

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of
Four 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 *R N Rawles* has
hereto set his hand and seal, and the said *The United States Fidelity and*
Guaranty Co. by Richard L Woodward its Attorney in fact has caused its corporate name to be hereto signed, and its
corporate seal to be hereto affixed, this *5th* day of *April* in the year of our
Lord, one thousand nine hundred and *Seven*, and in the *131st* year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if ~~the above bound~~ *whereas by a*
decree of the Circuit Court for the County of Nansemond
pronounced this day in the Chancery Cause pending
in said Court between Mattie H Miller Complainant
and W H Miller and others defendants it was decreed that
the land in the bill and proceedings mentioned of which
Patrick Miller died Seised and possessed be sold and
R N Rawles was appointed by said decree Commissioner for
that purpose. Now therefore if the said R N Rawles
a Commissioner aforesaid shall faithfully discharge and
perform his duties as Commissioner aforesaid under this
decree and all other decrees he may be required to execute
in said Cause then the above obligation to be void
otherwise to remain in full force and virtue,



R N Rawles (SEAL)
The United States Fidelity (SEAL)
and Guaranty Company (SEAL)
by Richard L Woodward (SEAL)
its Attorney in fact (SEAL)

VIRGINIA:

In the Clerk's Office of the Circuit Court of Nansemond County, on the *5th* day
of *April*, 190*7*:

The above bond was executed and acknowledged before me by the obligors to the same
(the security *being approved* justifying), and ordered to be recorded.

Teste:

A J Gomer D.C.

R N Rawles

To } Spec. Comr Bond

The Commonwealth.

William F. Miller

1907

April 5th

Recorded in Official
Bond Book No 2
Page 23.

A Copy.

Statement of Account

Suffolk, Va., April 5, 1907.

Mr. R. W. Rawles, Spcl Comm'r.

To The McLeod Press, Dr.

W. L. McLeod, Proprietor

606 Main Street
1907.

Printing to Please Particular People

April 5	100 Notices of Sale of Land in case of Mattie F. Miller vs. W. H. Miller and others	} \$ 1.00
May 15	Received payment.	
	W. L. McLeod.	

W. G. ELAM,

SUFFOLK, VA.,

190

M

Fire, Life, Accident,
Steam Boiler,
Employers' Liability,
Fidelity, Health.

TO WOODWARD & ELAM, Dr.

Insurance

OFFICE==No. 526 MAIN STREET.

Date	Policy No.	Company	Property Insured	Term	Amount	Premium
1907 Apr 5	455862-7	M. S. F. G. Co.	Build as per plan 1/2 miller & miller		400	5

To the Honorable R. R. Prentiss Judge of the
Circuit Court of Lawrence County:

In the Chancery Cause of Mattie F. Milten
vs. W. H. Milten and others now pending in
said court I do solemnly swear that
the infant defendants James Milten and
Wallace Milten are of sufficient age
and discretion to use such funds as may
be coming to them from the sale of the
real estate in said cause, judiciously, the
said James Milten being now - 19 - years of
age and Wallace Milten being of the age
of - 15 - years.

Robt. F. Milten) witness

Mattie F. Milten
Mark

Sworn to before me

this 8 day of June 1887.
R. R. Prentiss J. R.

Sec 2614 or.

To the Honorable James L. McLemore, Judge of the Circuit
Court of Nansemond County:

The undersigned Special Commissioner, in the
Chancery Cause of Mattie F. Milteer vs. W. H. Milteer, et als,
now pending in said court, respectfully reports that, pursuant
to a decree entered in said cause on the 13th day of May, 1907,
directing him to collect the whole of the purchase money from
L. J. Costen, the purchaser of the real estate, heretofore
reported sold to him, in said cause, and to make to the said
purchaser a good and sufficient deed for the same, with the
usual covenants of title; ~~that~~ he has complied with all the
terms of the said decree by collecting the whole of the pur-
chase money from the purchaser and by making to him a good and
sufficient deed for the said real estate, with the usual covenants
of title; that he has paid off and discharged all the cost and
expenses of this suit and sale; that he has paid to Will Harrell
the sum of Seventy Dollars, ordered to be paid to him by said
decree, and the remainder of the purchase money he has paid to
the heirs and distributees of Patrick Milteer, deceased; and
he further herewith files an itemized statement showing all of
his said disbursements, accompanied by proper vouchers.
All of which is respectfully submitted.

R. H. Raules,
Special Commissioner.



AMOUNT OF PURCHASE MONEY COLLECTED \$160.00

PAID OUT:

R. R. Smith, Clerk Court	\$5.94
" " Writ tax	1.50
A. H. Baker, Sheriff	2.00
Attorney tax fee	15.00
Fee allowed R. H. Rawles, Counsel, ...	10.00
Deed to purchaser	5.00
Commissions on sale	8.00
R. W. Withers, commissioner in chancery	15.00
J. W. Hosier, crier, ...	5.00
McLeod Press	1.00
Woodward & Elam, Premium on bond	5.00
Will Harrell	70.00
	<u>\$143.44</u>
W. H. Milteer	2.76
Sallie A. Reed	2.76
Edwin Milteer	2.76
John Milteer	2.76
Frank Milteer	2.76
Louisa Milteer's heirs:	
Mary E. Sawyer	.69
Mattie F. Milteer	.69
James Milteer	.69
Wallace Milteer	.69
	<u>\$160.00</u>

Mitteer is Mitteen.

Report of Distribution

George Mitteen		50
James Mitteen		50
Charles E. Mitteen		50
Wm. E. Sawyer		50
Thomas Mitteen's heirs:		
Edwin Mitteen		5.00
John Mitteen		5.00
Isabel Mitteen		5.00
William A. Reed		5.00
W. H. Mitteen		5.00
Wm. Harvey		20.00
Robert & Mary, Trustees of fund		5.00
John Gross		1.00
W. Mosier, clerk		5.00
W. Withers, commissioner in charges		15.00
Commissions on sale		9.00
Costs in purchase		5.00
See witness W. H. Sawine, Connely		10.00
Attorney's fee fee		15.00
W. H. Sawyer, Sheriff		5.00
" " Bill fee		1.00
W. E. Smith, Clerk Court		25.00

\$180.00

Filed June 8. 1907.
L.M.

AMOUNT OF EMBROIDERY BODIES COLLECTED \$180.00

PAID OUT:

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

The undersigned Special Commissioner, appointed by a
decree entered on April 5th, 1907, in the Chancery Cause of
Mattie F. Milteer vs. W. H. Milteer, et als, pending in said
court, to sell the real estate of which Patrick Milteer died,
seized and possessed, respectfully begs leave to report that,
after having advertised the sale of the said land for ten days,
as required by said decree, and, after having given bond, with
security deemed sufficient by the Clerk of this Court, and
after having fully complied, in all respects, with all the terms
and conditions of said decree, he offered the said land for sale,
at public auction, in front of the Postoffice, in Suffolk,
Virginia, on the 20th day of April, 1907, and the same was struck
off to L. J. Costen ^{he being the highest bidder} for the price and sum of One Hundred and
Sixty Dollars, which your commissioner thinks is a fair and
reasonable price for the same.

He further reports that the plaintiff and all the
adult heirs, who have taken any interest in this suit, were all
present at the sale. He, also, further reports that notices of the
said sale were mailed, personally, to each of the defendants in
the case.

He further reports that this purchaser of the said
real estate has given to your commissioner his check for the whole
of the purchase money, subject to confirmation by the court.

Your commissioner, therefore, respectfully asks that
the court will confirm the said sale and decree a distribution
of the purchase money.

All of which is respectfully submitted.

R. H. Rawles
Special Commissioner.

Report of Sale.

Filed Aug 22nd 1907.
J. P. Gomen, S.C.

LAND AT AUCTION

By virtue of a decree of the Circuit Court of Nansemond county, entered on the 5th day of April, 1907, in the chancery cause of Mattie F. Milteer vs. W. H. Milteer and others, the undersigned special commissioner will sell at public auction,

In Front of the Postoffice in Suffolk, Va.

On Saturday, April 20, 1907

AT 12 O'CLOCK M.

The following valuable real estate, to wit: All that certain tract of land situated in the county of Nansemond and State of Virginia, of which Patrick Milteer died seized and possessed, said tract containing thirty (30) acres, more or less, and bounded by the lands of Robert Milteer, Will Arline and Richard Ashley.

TERMS.---One-half cash and the balance on a credit of twelve months, with interest from the day of sale; but the purchaser will have the option of paying the whole in cash, if he so desires.

For further particulars apply to

R. H. RAWLES,

APRIL 5, 1907.

Special Commissioner.

I, A. P. Gomer, Deputy for R. R. Smith, Clerk of the Circuit Court of Nansemond county, hereby certify that the bond required of R. H. Rawles, Special Commissioner in the above named suit, has been given with security deemed sufficient by me.

Given under my hand this 5th day of April, 1907.

A. P. GOMER, Deputy Clerk.

Mattie F. Milteer #

vs. #

In Chancery.

W. H. Milteer, et als #

#

This cause came on this day to be again heard on the papers, formerly read, as well as on the report of R. H. Rawles, special commissioner, who was duly appointed as such by a decree entered on the 5th day of April, 1907, and required to sell the real estate of which Patrick Milteer died, seized and possessed, which said report was filed on the 22nd day of April, 1907, and to which no exception has been filed, and was argued by counsel.

On consideration whereof, the court doth confirm the said report and sale of the said real estate, and doth order, adjudge and decree that R. H. Rawles, special commissioner, who, it appears, has already collected the whole of the purchase money for said land, shall make to the purchaser of the said land a good and sufficient deed for the same, with the usual covenants of title; and that, out of the proceeds of said sale, he shall first pay off and discharge all the cost and expenses of this suit and sale, including a fee of ten dollars (\$10.) to R. H. Rawles, counsel, for his services rendered in this cause, then pay to Will Harrell the sum of Seventy Dollars reported as a valid claim against the estate of Patrick Milteer, deceased, and the remainder of the purchase money he shall pay off and distribute to the parties who may appear to be entitled to receive the same, taking proper vouchers for all of his disbursements, and the said special commissioner is hereby directed to report all of his actions, under this decree, to this court, and this cause is continued.

Decree confirming
Sale.

Entered May 13, 1907

Robert C. Hunt

Entered in Chancery
Order Book No. 4.
Page 141.

Mattie F. Milteer #

vs. #

In Chancery .

W. H. Milteer, et als #

#

This cause came on this day to be again heard on the papers, formerly read, as well as on the report of Robert W. Withers, one of the commissioners of this court, to whom the papers in said cause had been referred, which said report was filed on the 7th day of March, 1907, and to which no exception has been filed, and was argued by counsel.

On consideration whereof, the court doth confirm the said report, and doth order, adjudge and decree that R. H. Rawles, who is hereby appointed a special commissioner, for that purpose, shall, after having advertised the time, place and terms of sale, for ^{ten} ~~fifteen~~ days, in such manner as he may deem best, proceed to sell the land, in the bill and proceedings mentioned, of which Patrick Milteer died, seized and possessed, in front of the Postoffice, in Suffolk, Virginia, on some day to be named in said advertisement, on the following terms, to-wit: one-half in cash and the balance on a credit of twelve months, the deferred payment to bear interest from the date of sale, and the title to be retained until the further order of the court; but, before the said special commissioner shall act under this decree, he shall enter into a bond before the clerk of this court, in the penalty of Four hundred Dollars, with security deemed sufficient by said clerk, for the faithful performance of his duties under this and all other decrees, which may hereafter be entered in this cause; and the said special commissioner is required to report all his actions under this decree, to this court, and this cause is continued.

Deer for Sale



Entered April 5, 1907
Robert R. Huntis

Entered in Chancery
Order Book No 4
Page 137.

Mattie F. Milteer

vs.

W. H. Milteer, et als

In Chancery.

Enter names of all defes

This cause came on this day to be heard on the bill, the answer of the ~~infant defendants~~ *James Milteer and Wallace Milteer* by ~~guardian ad litem~~ *John P. Lee*, duly appointed at rules, and the answer of James Milteer and infant defendant over the age of fourteen years, in his own proper person, and the adult defendants who appear to have been regularly proceeded against, ~~failing to plead, answer or demur~~ *and still*, the bill was taken for confessed, as to them, and was argued by counsel.

On consideration whereof, the court doth order, adjudge and decree that the papers in this cause be referred to one of the commissioners of this court, who is hereby directed to make the following inquiries and take ~~the following accounts~~ *and state*, and report the same to court.

First.

The real estate of which Patrick Milteer died, seized and possessed, together with its annual and fee simple value.

Second.

The liens thereon, if any, together with their amounts dignities and priorities, and specially whether the said land has ever been sold for delinquent taxes.

Third.

Whether the said real estate is susceptible of a division in kind among the parties entitled thereto, without a sacrifice of interest.

Fourth.

If it be not so susceptible of a division in kind, whether any of the said parties will take the whole thereof, by allotment, and pay to the other parties in interest for their respective interest therein.

Fifth.

Any other matter deemed pertinent by said commissioner or which shall be required to be stated by any party in interest.

And the said commissioner is hereby required to make report of all his transactions, under this decree, to this court, and this cause is continued.

Decree for Accounts.

Filed Jan. 14, 1907
Robert R. Hunt

Entered in Chancery
Order Book No. 4. Page 114.

COMMISSIONER'S NOTICE.

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND.

Hattie F. Milteer, Complainant,

vs.

W. H. Milteer, Sallie Anne Reed, Edwin Milteer, John Milteer, Frank Milteer, Mary E. Sawyer, John P. Lee, Guardian ad litem.

First,- The real estate of which Patrick Milteer died, seized and possessed, together with its annual and fee simple value.

Second,- The liens thereon, if any, together with their amounts dignities and priorities, and specially whether the said land has ever been sold for delinquent taxes.

Third,- Whether the said real estate is susceptible of a division in kind among the parties entitled thereto, without a sacrifice of interest.

Fourth,- If it be not so susceptible of a division in kind, whether any of the said parties will take the whole thereof, by allotment, and pay to the other parties in interest for their respective interest therein.

Fifth.- Any other matter deemed pertinent by said commissioner or which shall be required to be stated by any party in interest.

Office of Commissioner,

Suffolk, Va., Feb. 16, 1907.

To the parties to the above suit:

I have fixed on Thursday the 7th day of March, 1907, at 10 o'clock A. M., as the time and my office aforesaid as the place for executing the decree of which the foregoing is an extract. Given under my hand as Commissioner in chancery of the Circuit Court of the County of Nansemond the day and year aforesaid.

 Commissioner.

I hereby accept legal and sufficient service
of the within notice. Feb. 18. 1887

~~Wm. E. S. Gager~~ and
Mallie L. Mitteen by
R. H. Randle Counsel
John P. Hill
Guardian ad litem
for James Mitteen and
Wallace Mitteen

COMMISSIONER'S NOTICE.

IN THE CIRCUIT COURT OF THE COUNTY OF HANESMOND.

Hattie F. Hiltner, Complainant,

vs.

W. H. Hiltner, Sallie Anne Reed, Edwin Hiltner, John Hiltner, Frank Hiltner, Mary E. Sawyer, John P. Lee, Guardian ad litem.

First,- The real estate of which Patrick Hiltner died, seized and possessed, together with its annual and fee simple value.

Second,- The liens thereon, if any, together with their amounts, dignities and priorities, and specially whether the said land has ever been sold for delinquent taxes.

Third,- Whether the said real estate is susceptible of a division in kind among the parties entitled thereto, without a sacrifice of interest.

Fourth,- If it be not so susceptible of a division in kind, whether any of the said parties will take the whole thereof, by allotment, and pay to the other parties in interest for their respective interest therein.

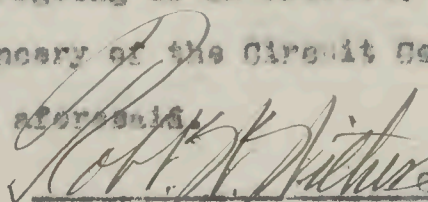
Fifth,- Any other matter deemed pertinent by said commissioner or which shall be required to be stated by any party in interest.

Office of Commissioner,

Suffolk, Va., Feb. 16, 1907.

To the parties to the above suit:

I have fixed on Thursday the 7th day of March, 1907, at 10 o'clock A. M., as the time and my office aforesaid as the place for executing the decree of which the foregoing is an extract. Given under my hand as Commissioner in chancery of the Circuit Court of the County of Hanesmond the day and year aforesaid.

 Commissioner.

Executed this the 21st day of July 1907, by delivering a true copy
of the within process to, W. H. Miller, Sallie Ann Reed, Edwin Miller
John Miller and Frank Miller in person.

A. M. Butler
Shirley

Original

Will Hamble
55
10

COMMISSIONER'S REPORT.

In the Circuit Court of the County of Nanse ond, Virginia.

Mattie F. Milteer.....Complainant.

vs.

W. H. Milteer, et als.....Defendants.

Office of Commissioner, Robert W. Withers,
Suffolk, Virginia, March 7, 1907.

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

In pursuance of a decree of your honor's court, entered
in the suit of which the above is the general style, on the 14th
day of January, 1907, I gave notice to the parties that on the
7th day of March, 1907, at 10 o'clock A. M., and at my office
aforesaid, I should proceed to execute the said decree. The
said notice, with service of same by the sheriff of this county
or acknowledged by the counsel for the complai ant and the adult
defendants and the guardian ad litem for the infant defendants,
is herewith returned.

I attended at the time and place so appointed, and in
the presence of R. H. Rawles, of counsel for the complainant and
the adult defendants, and of Mr. John P. Lee, the guardian ad litem
of the infant defendants, I took the depositions of William H.
Milteer, Edwin Milteer and John Milteer.

The said depositions are herewith returned, and after
consideration of the same, together with the pleadings in the
cause, I respectfully report:

First.

An examination of the records of this court in the Clerk's Office
thereof, owing to the loose descriptions and imperfect bounderies
of the deeds touching the same, ^{shows} the exact amount of real estate
^

of which Patrick Milteer died, seized and possessed is somewhat indefinite. Your commissioner has made diligent search and endeavored to ascertain from the record what land Patrick Milteer owned at the time of his death. During his life time Patrick Milteer bought and sold several tracts of land, all of the deeds seen to have been written by illiterate scriveners. The descriptions are imperfect and boundaries incomplete and the land impossible of location. Your commissioner has been compelled to resort to oral testimony to ascertain the quantity of land and its boundaries left by Patrick Milteer.

From this verbal testimony it appears that Patrick Milteer died, seized and possessed of a small tract of land in Cypress Magisterial District, in Nansemond County, Virginia, containing about thirty acres and bounded by the lands of Robert Milteer, Will Arline and Richard Ashley.

Second.

There are no recorded liens against this property and it has never been sold for delinquent taxes.

Third.

The property is not susceptible to division in kind among the parties interested.

Fourth.

No party has expressed a willingness to take the whole land by allotment and pay the other parties for their interest therein.

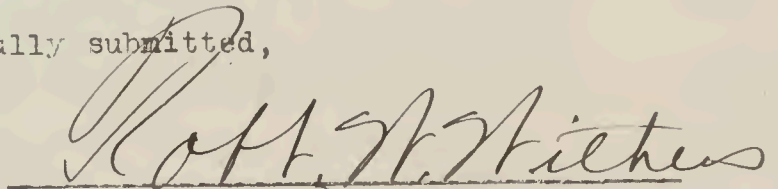
--3--

#3.

Fifth.

At the request of the parties your Commissioner states that there has been presented against the estate of Patrick Milteer a claim of \$70.00 by Will Harrell. \$35.00 of this claim is for burial expenses and is admitted by the parties to be due and payable. \$35.00 is claimed by Harrell to be due for money lent to Patrick Milteer in November, 1905. This loan is proven by two witnesses, James and Wallace Milteer, although denied by some of the parties defendant no proof against the claim has been offered. Your Commissioner reports these claims as valid against the estate. He also states that there was no personal property to be administered in the estate of Patrick Milteer.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "R. H. Milteer", is written over a horizontal line.

Commissioner in Chancery.

Fee \$15.00

William H. Milteer being duly sworn deposes as follows .

Q.- What relation are you to Patrick Milteer?

A.- His son.

Q.- Please describe in your own way how much land and its boundry Patrick Milteer left.

A.- I should say about twenty-five or thirty acres. It joins Robert Milteer, will Arline and Richard Ashley.

Q.- How much do you think this land is worth?

A.- About \$200.

Q.- How much should it rent for a year?

A.- \$25.00 a year.

Q.- Do you think this land can be equally and fairly divided between all of the parties that are entitled to it.

A.- It cannot be divided without greatly decreasing the value or ruin it.

Q.-Do you know whether any party to this suit interested in the land will take the whole of the land and pay the other parties what their interest is worth?

A.- I do not know of any.

Signature waived.

Edwin Milteer being duly sworn deposes as follows.

Q.- What relation are you to Patrick Milteer?

A.- His son.

Q.- How much land did Patrick Milteer leave undisposed of?

A.- About thirty acres, more or less.

Q.- Are the boundry lines given by your brother in the land the correct lines.

A.- Yes sir.

Q.- How much is this land worth?in your opinion?

A.- Something like \$200.

Q.- How much do you think it should rent for in money each year?

A.- I think about \$25.00 is a fair price.

Q.- Can this land be divided among the parties entitled to it without sacrificing the interest of anybody?

A.- No sir.

Q.- Do you know of any of the parties to this suit who would be willing to take the land and pay the other parties their share in money?

A.- I do not.

Signature waived.

John Milteer being duly sworn deposes as follows.

Q.- What relation are you to Patrick Milteer?

A.- His son.

Q.- What land did Patrick Milteer leave at his death?

A.- About thirty acres more or less.

Q.- Is this the land that is bounded by Ashley, Robert Milteer, Arline and tohers?

A.- Yes, sir.

Q.- How much is this land worth?

A.- Like land is selling now I think it is worth \$200.

Q.- How much should it rent for?

A.- About \$25.

Q.- Can this land be divided without injury to the interest of any party?

A.- No sir.

Q.- Do you know of any party to this suit who would be willing to take the land and pay their share in money?

A.- No sir.

Jim Milteer being duly sworn deposes as follows:

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

A.- Jim Milteer, about 19 years, Nansemond County, I am one of the defendants.

Q.- Will you state where you now reside , I mean whether it was on the land or place at which your grand-father Patrick Milteer died?

A.- Yes sir.

Q.- Are you the son of Louisa Milteer, deceased?

A.- Yes, sir.

Q.- With whom did your grand-father live many years previous to his death?

Q.- With my mother, Sister Mattie, myself and Brother Wallace.

A.- Will Harrell has filed a bill here against your grand-father's estate, a sum of \$70.00 consisting of two items , one item for \$35.00 for burial expenses another item for \$35.00 for cash ing please state anything you may know in regard to pay^{ing} the burial expenses.

Q.- Will Harrell paid the burial expenses.

Q.- How do you know this?

A.- Because he sent it *by* me to pay the burial expenses.

Q.-Do you know the amount he paid for the burial ecponses?

A.- Yes, sir, it cost \$35.00.

Q.- What do you know about the item of \$35.00 which Will Harrell

lent Patrick Milteer, was it a cash loan?

A.- I saw the money pass myself.

Q.- Where were you when it was passed?

A.- I was at home.

Q.- Who was present?

A.- Mattie Milteer and Brother Wallace and myself?

Q.- When was this money loaned to Patrick Milteer?

A.- In January, 1905.

Q.- How long was it before Patrick died?

A.- About two years.

Q.- Why did Will Harrell loan this money to Patrick Milteer?

A.- Because he could'nt do any better at that time and he was the only man I could get it from.

Q.- Who requested the loan?

A.- Patrick Milteer himself.

Q.- What was the old man's physical condition at that time?

A.- He was blind and he could not do anything.

Q.- How long had he been in that condition?

A.- About three years.

Q.- How was the money paid, I mean in what currency?

A.- Three ten dollar bills and a five dollar bill.

Q.- Tell what became of this money if you know.

A.- It was spent for his benefit.

Q.- How? A.- In buying groceries and helping him along.

Q.- I notice this bill states this cash was loaned in November 1905, whereas you have stated it was loaned as far as you know about January, 1905.

A.- That was as near as I could get at it.

Q.-

Questions by the Commissioner.

Q.- Who else lived in the house with your grand-father besides your mother and her children?

A.- John Milteer.

Q.- Any one else?

A.- No, sir.

Q.-Who supported your mother and her children?

A.-The old man while he could see, he raised us.

Q.- Who supported them for the last three years?

A.- We supported ourselves, before I was taken down sick I worked off and what I made we got along on it.

Q.- Does your mother work out? A.- My mother is dead.

Q.- When did she die? A.- She died just before Patrick Milteer.

Q.- I want to know who supported old man Patrick during the time he was blind.

A.-Me and my mother supported him before she died. About the time he came blind I got sick and it was about that time he borrowed the money.

Q.- How old is your brother wallace?

A.- About 15 years old.

Q.- I suppose this money was used to provide for patrick Milteer and all the rest of the family?

A.- Yes, sir, but the biggest part of it was used for himself.

Q.- You said Will harrell was the best place for you to get the money. A.) He was the best friend I had at that time.

Q.-Who borrowed the money?

A.- The old man borrowed from him himself.

Q.- To whom did Will Harrell turn the money over ?

A.- Patrick Milteer.

Q.- what personal property did Patrick Milteer leave at his death.

A.- He never left nothing more than two beds, one cart and wheels, no horse and no plow and nothing.

Q.- How much do you think the beds and cart and wheels were worth?

A.- The whole thing wont worth more than \$5.00

Wallace Milteer being duly sworn deposes as follows.

Q.- How old are you wallace?

A.- About 15.

Q.- Do you know anything about Will Harrell giving your grand-father \$35.00?

A.- Yes, sir.

Q.- Were you present at the time?

A. - Yes, sir.

Q.-Did you understand that your grand-father was borrowing the money from Harrell?

A.- Yes, sir.

Q.- How was this money used?

A.- It was used to benefit him.

Q.- Used to buy groceries and other things to eat for the family?

A.- Yes, sir.

Signature waived.

Estate of Patrick Milteen Dr.
1905 To Willie Hamell
Mr. Tr Cash loaned Patrick Milteen
at his request \$35.00
In Burial Expenses paid 35.00
\$70.00

W. H. CROCKER,
JOHN BOOTH,
HENRY SOUTHALL.

Suffolk, Va., Feb. 6 1907

Mr. William Harrell.



TO W. H. CROCKER & CO., Dr.
FUNERAL DIRECTORS,
NO. 90 EAST WASHINGTON STREET.

SOUTHERN STATES PHONE--OFFICE, 219; RESIDENCE, 156.

Sept 24 To burial of
Mr. Patrick Milteer

\$ 35.00

Sept 29 By Cash

\$ 15.00

Dec 3 " "

7.00

Jan 19 " "

3.00

Feb. 6 " "

8.00

Received payment
W. H. Crocker.
Per J.

\$ 35.00

Mattie F. Milteer

vs.

W. H. Milteer, et als.

Commissioner's Report.

1907 March 7th Filed

ROBT. W. WITHERS,

ATTORNEY AT LAW,

SUFFOLK, VA.

PRACTICING IN ALL COURTS IN
FIRST JUDICIAL CIRCUIT.

JEWELL & COMPANY, PHILADELPHIA.

Mattie F. Milteer	)	
vs.	)	In Chancery.
W. H. Milteer, et als	)	

This cause came on this day to be again heard on the papers, formerly read, as well as on the report of R. H. Rawles, special commissioner, which said report was filed on the 8th day of June, 1907, and to which report no exception has been filed, and was argued by counsel.

On consideration whereof, it appearing from said report that the said R. H. Rawles, special commissioner, has collected the whole of the purchase money for the ~~said~~ real estate, of which Patrick Milteer died, seized and possessed, and which has heretofore been sold by him in this cause; that he has made to the purchaser thereof, L. J. Costen, a good and sufficient deed, for the said real estate, with the usual covenants of title; that he has paid off and discharged all the cost and expenses of this suit and sale; that he has paid to Will Harrell the sum of Seventy Dollars, decreed to be paid to him; and that he has distributed the remainder of the purchase money among the parties decreed to receive the same; *all of his said distributions being accompanied by proper vouchers* the court doth confirm the said report, and it appearing that nothing further remains to be done in this cause, it is ordered that the same be stricken from the docket.

Milteen is Milteen

Final Decree,

Enter
July 9, 1907.
James L. McSpore,

Entered in Chancery
Order Book No. 4-
Page 162.

Patrick H. Milteen

In Open Court.

In the Circuit Court for the County of Nausemond

to wit:

THE ANSWER OF

James Milteer infant
about the age of 14 years but an

infant under the age of twenty-one years, ~~by~~ in his own proper person
~~guardian ad litem, assigned to defend~~ him in this suit, to a bill of complaint exhibited against
him and others in the Circuit Court for the County of
Nausemond, by Mathew J. Milteer and others.

The respondent, reserving to himself the benefit of all just exceptions to the said bill, for
answer thereto, answering ~~by said guardian ad litem~~, says that he is an infant of tender
years, and by reason of such disability is incapable of understanding, or of taking care of his
rights and interests, he therefore commend the same to the protection of the court, and prays that
no decree may be pronounced which will tend to his prejudice.

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

W. R. Lawler

James ^{his} Milteer ~~Guardian ad litem~~
Mark Witness -

p. d.

L. D. Jacobs.

adv. { ANSWER
OF
INFANT DEFENDANT.

In the Circuit Court for the County of hansemond,
to wit:

THE ANSWER OF

James Milteen and Wallace
Milteen

infants under the age of twenty-one years, by John P Lee
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
hansemond, by Mathi J. Milteen 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 are infants of tender
years, and by reason of such disability are 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.

MR Coates

John P Lee
p. d.

Guardian *ad litem*.

adv.

}

ANSWER
OF
INFANT DEFENDANTS

By Guardian ad litem

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

Humbly complaining, sheweth unto the court, your
complainant, Mattie F. Milteer, of Nansemond County, Virginia,
the following case:

About the middle of the year 1906, her grandfather,
Patrick Milteer, departed this life, in said county, intestate,
and, at the time of his death, was seized and possessed, in fee
simple, of a tract of land containing thirty acres, more or less,
and situated in Cypress District, in said county and State, near
what is known as the Meadow Road, and adjoining the lands of
Robert J. Milteer, Richard Ashley, William Arline and others;
as will appear from the deeds now on record in the clerk's office
of the Circuit Court of said county.

Your complainant further say that, at his death,
the said Patrick Milteer left as his only heirs-at-law the follow-
ing children: W. H. Milteer, Sallie Ann Reed, Edwin Milteer,
John Milteer and Frank Milteer, all of whom are living, and a
daughter, Louisa Milteer, who is now dead, who died intestate
and who left as her only heirs-at-law her children, Mary E. Sawyer
Mattie F. Milteer, James Milteer and Wallace Milteer, the two
last named being infants under the age of twenty-one years.

Your complainant further says that it is the desire
of the said heirs-at-law of the said Patrick Milteer, to have
the said land divided in kind, if it can be conveniently done,
without sacrificing their interest, but, if it cannot be so divid-
ed, and your complainant is of opinion that it cannot, then she
desires that the said land be sold and the proceeds thereof be
divided among those entitled to receive the same.

In tender consideration whereof and forasmuch as your

complainant is without remedy in the premises, save by the aid of a court of equity, where such matters are alone and properly cognizable, your complainant prays that the said W. H. Milteer, Sallie Ann Reed, Edwin Milteer, John Milteer, Frank Milteer, James Milteer, Mary E. Sawyer and Wallace Milteer may be made parties defendant to this bill and required to answer the same, though an answer under oath is hereby waived; that a proper guardian ad litem may be assigned to the infant defendants and required to defend their interest in this suit; that proper process may issue; that all proper accounts may be taken; and that the said tract of land may be divided in kind among the heirs-at-law of the said Patrick Milteer, if it can be conveniently done, without a sacrifice of interest, and that, if it cannot be so divided, without a sacrifice of interest, that the same may be sold and the proceeds thereof divided among the heirs-at-law.

And for all such other, further and general relief as this case may require or which to equity may seem meet, and she will ever pray, etc.

Notice is hereby given that the court will be asked to allow R. H. Rawles a counsel fee for his services as counsel in this suit.

Witness:
L. D. Jacobs.

Mattie F. Milteer
Mark

Virginia,

County of Nansemond, To-wit:

I, L. D. Jacobs, a Notary Public for the county aforesaid, in the State of Virginia, do certify that Mattie F. Milteer, whose name is signed to the foregoing bill, has this day personally appeared before me, in my county aforesaid, and, after being duly sworn made oath that the statements contained therein, as coming of her own knowledge and belief, are true, and that all other statements, therein contained, as coming from knowledge or information derived from others, she believes to be true.

Given under my hand this 3rd day of December 1906:
my term of office expires 23rd of February, 1909.
L. D. Jacobs, N. P.

Bill.

Filed Dec. 3rd 1906

Matthe H Millett
vs In Chancery
W H Millett and others
Chancery Notes.

1906 Novr 26th Process issued returnable
to December Rules
First Monday.

" Decr 3rd Process returned execution
on adult defendants
Bill filed and Decree
Nisi against them

" " 17th Decree nisi confirmed
and cause set for
hearing.

Chancery
Notes.

R N Rawles p.g.

Mattie F Millett
vs M Chancery
W N Millett & others

1907
July 9th
Final Decree.

Costs
Clerk \$ 5.94
Tax pd 1.50
Shff 2.00
Atty 15.00
Comr. 15.00

\$ 39.44