1908-011
Nansemond Co (Suffolk) Chancery Causes: Lucy W. Stever, gdn vs Annie W. Stever, infant et al

Tracey, Trotman, Wise, Bellard, Kilby, Eley

Jan. 22. 1908

RECEIVED OF R.W. Rawles Atty

Six - 81/100 - Dollars

in full payment of Clerk's Cost & writ Levy in

suit of Levy W. Stem vs Annie W. Stem

$6 81/100

A.P. Gomez D.C.

Jan. 20. 1908

RECEIVED OF R H Rawles Special Commr

Ten x x x Dollars

For making up deeds in cause of Lucy W. Steven Swanson et al vs Annie W. Steven et al

$10—

Bradford Kilby Jr.

Received Feb. 4" 1908

from R. H. Rawles special Commr

Two Hundred & thirty three 19/100 Dollars

in full payment of claim and for sale of real estate in cause of Lucy W. Stern Guardian vs Annie W. Stern et al.

$233 19/100

Lucy W. Stern Gdn of
Annie W. Stern.

R. R. Smith Clerk of the Circuit
Court of Nansemond County:

Lucy W. Stever Guardian of
Annie W. Stever
vs
Annie W. Stever defendant
Lucy W. Stever
Mary C. Tracy.

In Chancery.

Issue summons for plaintiff
against defendants to 2nd Decem-
ber 1907 (3rd Monday) to answer a
Bill in Chancery.

R H. Ranker p.q.

Pay $50

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Annie W Slever infant Lucy W Slever and Mary C Stacey

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 December 1907, to answer a Bill in Chancery, exhibited against them in the said Court by Lucy W Slever Guardian of Annie W Slever

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 4th day of December, 1907, in the 132nd year of the Commonwealth.

A copy—Teste:
R R Smith, CLERK.
By L P Gomez D C

Teste:
R R Smith, CLERK.
By L P Gomez D C

Dec. 4 1907.

I hereby accept sufficient and legal service of the within notice or summons, and I further hereby appoint R. H. Rawles as my attorney in fact and at law, to represent my interest in said suit; to accept service of all notices given therein, and to do for me all things that I might do were I personally present, with plenary power to act in the premises for me.

Witness: Thos Pearl Dishop

Mary C. Tracy

R N Rawles, p. q.

A copy for
Mary C Tracy

vs. } In Chancery.

1907

December Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 3

Page 43

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Annie W Slever
infant Lucy W Slever and Mary E Tracy

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 December 1907, to answer A Bill in Chancery, exhibited against them in the said Court by Lucy W Slever Guardian of Annie W Slever

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 4th day of December, 1907, in the 132nd year of the Commonwealth.

A copy—Teste:
R R Smith, CLERK.
By A G Gomes D.C

Teste:
R R Smith, CLERK.
By A G Gomes D.C

I hereby accept sufficient and legal service of the within Summons and Copy of Affidavit & Bill & request me my attorney at Law, and in case I fail to appear and plead within the time in said Summons mentioned, that judgment may be entered against me.

Dec. 5th 1907

Lucy A. Stever

R A Rawles, p. q.

A copy for
Lucy W Stever

vs. } In Chancery.

1907---

December---Rules.

Third---Monday.

Nansemond Circuit Court.

Process Book No. 3

Page 43

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Annie W Slever infant Lucy W Slever and Mary C Tracy

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 December 1907, to answer a Bill in Chancery, exhibited against them in the said Court by Lucy W Slever Guardian of Annie W Slever

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 4th day of December, 1907, in the 132nd year of the Commonwealth.

A copy—Teste:
R R Smith, CLERK.
By J D Gomey D C

Teste:
R R Smith, CLERK.
By J D Gomey D C

R. A. Rawles, p. q.

A Copy for
Annie W. Slever Infant

vs. } In Chancery.

1907---

December Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 3,---

Page 43

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Annie W Stever Infant, Lucy W Stever and Mary C Tracy

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 December 1907, to answer a Bill in Chancery, exhibited against them in the said Court by Lucy W Stever Guardian of ~~and~~ Annie W Stever

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 4th day of December, 1907, in the 132nd year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: R R Smith, CLERK.

By L C Comer D.C.

R N Rawles, p. q.

Lucy W Slever
Guardian

vs. } In Chancery.

Annie W Slever Infft
and Others

1907---

December Rules.

This'd Monday.

Nansemond Circuit Court.

Process Book No. 2

Page 43

Lucy W. Steven Guardian of Annie W. Steven

vs

Annie W. Steven et als } In chancery.

In the Circuit Court of Nansemond County in vacation the 16th day of December 1907.

On Motion of the Complainant John P. Lee a competent and discreet attorney at Law is hereby appointed guardian ad litem for the infant defendant Annie W. Steven and required to defend her interest in this suit.

A. D. Gomey D.C.

Appointment of
Guardian ad Litem

Lucy W. Stever, Guardian, )
vs. ) In Chancery.
Annie W. Stever, et als. )

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

The undersigned Special Commissioner, in the above styled Chancery cause, respectfully beg leave to report that pursuant to a decree entered in said cause, on the 30th day of January, I908, he has disbursed the purchase money for the real estate, heretofore reported sold, in this cause, to-wit, the sum of Three Hundred Dollars, as stated below; that he has paid all the cost and expenses of this suit and sale, and paid the balance of the said money over to Lucy W. Stever, guardian of Annie W. Stever, to be, by her, invested as directed by order of Court, and that he has taken her receipt for same, and he herewith files vouchers for all of said disbursements below. All of which is respectfully submitted.

| | | |
|---|---|---|
| Amount of purchase money ..... | | $300.00 |
| Paid out: | | |
| R. R. Smith, clerk of court ..... | $6.8I | |
| Bradford Kilby, commissioner ..... | I0.00 | |
| Commissions Returned ..... | I5.00 | |
| Attorney's tax fee Returned ..... | I5.00 | |
| Writing deed to purchaser Returned ..... | I0.00 | |
| Fee allowed by court Returned ..... | I0.00 | |
| Total ..... | $66.8I | |
| Paid Lucy W. Stever, guardian ..... | 233.I9 | |
| Total | $300.00 | ..... 300.00 |

R H Rawles Special Commr

Report of Distribution

Filed Feb. 17. 1908.
F.L.M.

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

| | | |
|---|---|---|
| Lucy W. Stever, Guardian, | ) | |
| vs. | ) | In Chancery. |
| Annie W. Stever, Ward | ) | |
| | ) | |

The undersigned Special Commissioner in the above cause, who was appointed as such by a decree in said cause, entered on the 13th day of January, 1908, and ordered and directed to sell the real estate, in the bill and proceedings mentioned, provided the sum of Three Hundred Dollars could be obtained for same, at private sale, respectfully begs leave to report that he had an offer of Three Hundred Dollars for said land, made by L. J. White and J. W. Folk, that he accepted said offer; that the said L. J. White and J. W. Folk have paid the whole of the purchase money in cash, and that your commissioner has made to them a deed for the said land, with the covenants of title usual in such cases; that , before acting under this decree, your commissioner had duly given bond and, in all other respects, complied with all the terms and conditions of said decree, and that he now holds the money in hand for a proper distribution.

All of which is respectfully submitted.

R. H. Rawles, Special Commr

Report of Sale.

1908 January 25th filed
J.L.M.

| | | |
|---|---|---|
| Lucy W. Stever, etc. | ) | |
| vs. | ) | In Chancery. |
| Annie W. Stever, 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 25th day of January, I908, and to which no exception has been filed, and was argued by counsel.

On consideration whereof, it appearing from said report that the said special commissioner had an offer of Three Hundred Dollars for the land, in the bill and proceedings mentioned, and that he has sold the same at private sale for said sum to L. J. White and J. W. Folk, who has paid for same, the court doth confirm the said report, as well as the sale, therein reported, and doth order, adjudge and decree that the said special commissioner, who has already made to the purchaser a deed for said land, shall, out of the proceeds of sale first pay off and discharge the expenses of said suit and sale, including a fee of $10 Dollars, to the said R. H. Rawles, for his services as counsel in said cause; the taxes due on said land, if any, and that the balance of the purchase money he shall pay over to the said Lucy W. Stever, guardian of Annie W. Stever, who is hereby ordered and directed to either invest the same in some valuable real estate, if the same can be done to advantage, or to invest the same in good interest bearing bonds, well secured by liens on unencumbered real estate or in such other manner as the guardian may deem wise and safe.

And the said special commissioner shall report to this court all his actions under this decree and this cause is continued.

Decree Confirming
Sale.

Entr. January 30th 1908
James L. Dillmore

Entered in Chancery
Order Book No. 4.
Page 219.

Lucy W. Stever, guardian of Annie W. Stever# 

vs. # In Chancery.

Anniw W. Stever, et als. #

#

This cause came on this day to be again heard on the papers, formerly read, as well as on the report of Bradford Kilby, one of the commissioners of this court, to whom the said papers had been referred, which said report was filed on the 30th day of December, I907, and to which report no exception has been filed, and was argued by sounsel.

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 sell the thirty acres of land, in the bill and proceedings mentioned, of which the said Annie W. Stever is seized and possessed, at private sale, provided he may realize as much as Three Hundred Dollars purchase price for the same.; and in case he shall not be offered as much as Three Hundred Dollars, at private sale, then the said R. H. Rawles shall, after first advertising the time, place and terms thereof, for at least fifteen days, in such manner as he shall deem best, shall proceed to sell at public auction, the said real estate, in front of the Postoffice door of Suffolk, Virginia, on some day named in said advertisements; said sale to be on the following terms, to-wit, one-half cash and the balance on a credit of six months; deferred payment to bear interest from date of sale and title to the said land to be held until the further order of the court. But, before the said special

commissioner shall act under this decree, he shall first enter into a bond in the penalty of $500 Dollars, conditioned for the faithful discharge of his duties under this decree, and all other decrees which may hereafter be rendered in this cause; said bond to be with security deemed sufficient by the clerk of this court. And the said commissioner is hereby directed to report all his actions under this decree to this court and this cause is continued.

Decree for Sale.

Entered Jany 13. 1908
J. Thos L. W. Lemoine

Entered in Chancery
Order Book No. 4.
Page 212.

Extract of Decree entered
Dec. 23rd 1907.

| | | |
|---|---|---|
| Lucy W. Stever, Guardian of Annie W. Stever | # | |
| Vs. | # | In Chancery. |
| Annie W. Stever, Mary C. Tracey, et als. | # | |
| | # | |

This cause came on this day to be heard, in vacation, on the bill of the complainant and the exhibits filed therewith, the answer of the infant defendant, Annie W. Stever, by John P. Lee, her guardian ad litem, duly assigned at rules, to defend her interest in this case, the answer of the said infant defendant in her own proper person, she being over fourteen years of age, and the other adult defendant, Mary C. Tracey and Lucy W. Stever, on whom process appearsto have been duly served, failing to plead, answer or demur, 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 this cause be referred to one of the commissioners of this court, who is directed to take and report to court as follows

I.

Of what estate, real and personal, the infant defendant, Annie W. Stever, is possessed or entitled to; and what is its fee simple and annual value.

2.

Whether the interest of the said infant defendant will be promoted by a sale of the real estate, in the bill mentioned, and an investment of the proceeds of sale in other property.

3.

Whether the rights of any person will be violated by such sale andinvestment.

4.

Who would be the heirs-at-law or distributees of the said infant defendant if she were dead, and whether all such persons are properly before the court in this cause.

5.

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

And the said commissioner is directed to report all his actions under this decree to this court and this cause is continued.

X X X X

To Lucy W. Stever guardian of Annie W. Stever, Lucy W. Stever in her own right, Mary C. Tracy and John P. Lee, guardian ad litem for infant defendant Annie W. Stever:

Take notice that I have fixed on the 30th day of December 1907 as the time and my office in Suffolk Virginia as the place for executing the decree of which the foregoing is a copy. Given under my hand as Commissioner in chancery of the Circuit Court of Nansemond County this 24th day of December 1907. And the above parties are required to attend at the time and place aforesaid.

Bradford Kilby

Comm. in Chancery.

We accept legal service of the above notice, Dec. 24 1907.

Lucy W Stever guardian of Annie W. Stever.
Lucy W. Stever in her own right by
R H Reuter counsel.
Mary C. Tracy by R H Reuter atty in fact.
John P. Lee Guardian ad litem
for infant defendant.

Decree for Accounts

Virginia, In Vacation, In the Circuit Court of Rockingham County, December 23rd 1907.

| | | |
|---|---|---|
| Lucy W. Stever, Guardian of Annie W. Stever | # | |
| Vs. | # | In Chancery. |
| Annie W. Stever, Mary C. Tracey, et als. | # | |
| | # | |

by consent of all parties.

This cause came on this day to be heard, in vacation, on the bill of the complainant and the exhibits filed therewith, the answer of the infant defendant, Annie W. Stever, by John P. Lee, her guardian ad litem, duly assigned at rules, to defend her interest in this case, the answer of the said infant defendant in her own proper person, she being over fourteen years of age, and the other adult defendant, Mary C. Tracey and Lucy W. Stever, on whom process appearsto have been duly served, failing to plead, answer or demur, 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 this cause be referred to one of the commissioners of this court, who is directed to take and report to court as follows

I.

Of what estate, real and personal, the infant defendant, Annie W. Stever, is possessed or entitled to; and what is its fee simple and annual value.

2.

Whether the interest of the said infant defendant will be promoted by a sale of the real estate, in the bill mentioned, and an investment of the proceeds of sale in other property.

3.

Whether the rights of any person will be violated by such sale andinvestment.

4.

Who would be the heirs-at-law and distributees of the said infant defendant if she were dead, and whether all such persons are properly before the court in this cause.

5.

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

Liens ?

And the said commissioner is directed to report all his actions under this decree to this court and this cause is continued.

All of which is hereby certified back to the Clerk of the Circuit Court to be entered in the Chancery order book.

James L. McClenore.

To Lucy W. Stever, Mary C. Tracey and John P. Lee, Guardian ad litem for Annie W. Stever, an infant.

Please take notice that I shall appear before the honorable Judge of the Circuit Court of Nansemond County, at his office, in vacation, on the 23rd day of December, 1907, and move the said court to make and enter the decree of which the foregoing is a copy.

Yours truly,

Lucy W. Stever Guardian
for Annie W. Stever by R. H. Cowles
Counsel.

We hereby accept sufficient service of the within notice and agree to consent that the above decree may be entered in the said cause.

Lucy W. Stever by R. H. Cowles, atty
Mary C. Tracey by R. H. Cowles
atty for both
John P. Lee, Guardian ad litem
for infant defendant.

Copy of Decree,
and
Notice

Entd. Dec. 23rd 1907
J. Allen L. W. Lemore,

Entered in Chancery
Order Book No 4
Page 205.

Westbrook, Maine
100 Central St
Dec 2/1897

Mr Rawls

Dear Sir

Yours of
Nov 23) received Will sign
the Notice or Papers.

Yours Truly
Mrs. Mary C Tracy
Westbrook
Maine
100 Central St

Mrs. Mary C. Tracy.
108 Central St
Westbrook Me.

R. H. Rawls.
Attorney at Law
Suffolk
Va.

SUFFOLK
4
8-AM
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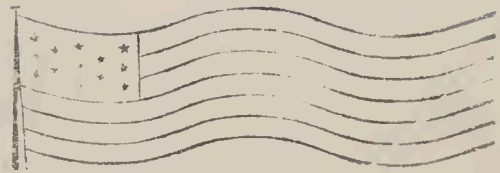
VA.


R. H. RAWLES
Attorney at Law and Notary Public
SUFFOLK, VA.

[redacted] H PHONES

PRACTICES IN ALL STATE AND FEDERAL COURTS.

November 23, 1907.

To the Postmaster,

West Jonesport, Maine.

My dear Sir:-

I have, today, addressed a letter to Mrs. Mary L. Tracy, of your town. I do not know her street and number and, hence, cannot give it. I will thank you if you see that the letter is promptly delivered. In case Mrs. Tracy is dead, will you please deliver the letterto any of her children, who may be living there? Also please kindly notify me of such fact.

Thanking you in advance for any courtesy you may show me, in this matter, I remain,

Very truly yours,

R. H. Rawles

Stamp enclosed for reply.

W Jonesport Me Nov 27-1907
Mr R H Rawles Sir I have this day forwarded
Mrs Mary L Tracy's letter to her at West Brook Me
#27 Brackett St C/o B J Carver
Respectfully
J B Cummings P M
W Jonesport Me

Magnolia, Va., Nov. 22nd 1917

Mr. R. H. Rawls,
Suffolk, Va.

Dear Sir:

Your letter has been received, and, will reply at once. There are thirty acres of land in my home tract and owing to the buildings on this piece of land, I think aught to be worth at the least twenty five hundred dollars ($2500)

Mr. Stone had a half sister who I suppose would be the nearest relative. I can not tell you any thing about her only that she was living in West Tennessee, Maine when last heard from, if she should be dead I know she has children who are living over at the same place. Mr. Stone's mother has been dead for three years. The names of this half sister

is Mrs. Mary E. Tracy.
If there is any thing else
you wish to know let me
hear from you. Very respectfully
Lucy A. Stivers

This Deed, Made this 7th day of December, in the year one thousand eight hundred and ninety-six, between Thomas E. Trotman and Mary B. Trotman his wife of the county of Norfolk State of Virginia parties of the first part, and Fred. G. Stever of the county of Nansemond State of Virginia party of the second part—

WITNESSETH: That in consideration of the sum of Three Hundred and Twenty-five (325) Dollars, the said Thomas E. Trotman and Mary B. Trotman his wife do grant unto the said Fred G. Stever with GENERAL WARRANTY, all their right title and interest in and to all that certain Tract or parcel of land situated in Holy Neck Magisterial District in the County of Nansemond, State of Virginia, and lying West of the County Road known as the "Blackwater Road" or "Ballard Road" and South of the Seaboard and Roanoke Rail Road and it being that Tract of land designated on a plat recorded in the Clerks Office of the Nansemond County Court as "No 4," said plat being recorded with and as a part of the deed by which the said grantors herein acquired title to the said land hereby conveyed from Wm L Wise and Lucy his wife said deed being dated 8th April 1892 and duly recorded in said Clerks Office, reference being hereby made to said deed and plat

The said parties of the first part covenant that they have the right to convey the said land to the grantee ; that they have done no act to encumber the said land; that the grantee shall have quiet possession of the said land, free from all encumbrances, and that they , the said parties of the first part, will execute such further assurances of the said land as may be requisite.

Witness the following signatures and seals

Thos E Trotman SEAL

~~SEAL~~

M. B. Trotman SEAL

STATE OF VIRGINIA,
COUNTY OF ~~NANSEMOND~~ Norfolk, } To wit:

I, B. F. Adams , a Notary Public for the county aforesaid, in the State of Virginia, do certify that Thomas E. Trotman and Mary B. Trotman his wife whose names are signed to the writing hereto annexed, bearing date the 7th day of December —, 1896 , have acknowledged the same before me in my county aforesaid.

Given under my hand this 8th day of December , 1896.

B. F. Adams Notary.

COUNTY OF NANSEMOND—To WIT:

In the Office of the Clerk of the County Court for the County of Nansemond the 9th day of December 1896 , this deed was presented, and, with the certificate annexed, admitted to record.

Teste:

R. B. Smith , Clerk.

## Deed of Bargain and Sale.

From Thomas E. Trotman

To and wife Fred G. Stever

Admitted to record this 9th day of December 1896

Recorded D. B. 38 Page 313

1896 Dec 12th Examined ~~and~~ verified and allowed

R R Smith Clerk.

$325.00

| | |
|---|---|
| Tax, - - - - - | $ 100 |
| Fee, - - - - - | 1251 |
| Paid | $ 2251 |



Eng W Stever
Annie W Stever
15 year old
Eng W. Stever Guardian

L J White
Suffolk Va

$300-

Virginia,

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

Lucy W. Stever, Guardian etc. — Complainant.

vs. } In Chancery.

Annie W. Stever et als. — Defendants.

Commissioner's Office,
Suffolk, Va. Dec. 30th. 1907.

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

In pursuance of the decree of the Circuit Court for the County of Nansemond pronounced on the 23rd. day of December 1907, in the suit in chancery pending in said court between Lucy W. Stever, Guardian of Annie W. Stever, Complainant, and Annie W. Stever, Mary C. Tract et als, Defendants, the undersigned, Bradford. Kilby, one of the Commissioners in Chancery of said court, respectfully reports as follows:

That on the 23rd. day of December 1907, your commissioner gave notice to the parties to the said suit that he would proceed on the 30th. day of December 1907 at his office in Suffolk, Virginia, to make the several inquiries required by said decree to be made by one of the commissioners in chancery of said court.

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

That on the 30th. day of December 1907 at his said office, your commissioner took the depositions of Lucy W. Stever, Arthur B. Ballard, William Thomas Kilby, W. F. Eley, and A. W. Ballard, touching said inquiries, which depositions are herewith returned.

That from the testimony of said witnesses and from information otherwise obtained, your commissioner reports as follows:

I. That the infant defendant,Annie W. Stever,is possessed or entitled to the following real estate:

(a) The fee-simple title,subject to the dower right of her mother,Lucy W. Stever,to a certain lot or parcel of land in the County of Nansemond and State of Virginia,situated on the West side of the county road known as the Blackwater Road or Ballard road,and South of the Seaboard and Roanoke Railroad,and being that tract of land designated on a plat recorded in the Clerk's office of Nansemond County Court,as No. 4,said plat being recorded as a part of the deed by which Thomas E. Trotman and wife acquired title to said land,and being the same land which was conveyed to Fred G. Stever (father of the infant defendant ,Annie W. Stever),by Thomas E. Trotman and wife,by a deed dated 7th. day of December 1896,and recorded in Deed-book 38,page 313 in the Clerk's office of Nansemond County, Said tract contains thirty acres.The said land was inherited by said infant from her father,Fred G. Stever.

(b) The said infant is also seised and possessed in fee-simple, subject to the dower right of her said mother,of a tract of land known as the "home place" situated at Magnolia Station in Nansemond County,Virginia,containing thirty acres.

(c) From the depositions of witnesses returned with this report,it appears that the fee-simple value of the real estate first above described is between two hundred and fifty and three hundred dollars,and that its annual value is nothing. The fee-simple value of the real estate secondly above described is about $2500. What its annual value is,does not appear.

2. Your commissioner is of the opinion that the interest of the infant defendant will be promoted by a sale of the real estate first above described and the investment of the proceeds of the sale in other property,as the depositions plainly show.

3. The rights of no person will be violated by a sale of the said land.

4. The heirs at law and distributees of the said infant defendant Annie W. Stever,if she were dead,would be Mary C. Tracey,her aunt, the said Mary C. Tracey being the sister of Fred W. Stever,the deceased father of the said infant defendant. All the heirs at law

and distributees are properly before the court, having been made parties to this suit.

5. There are no liens of any kind on the said real estate.

6. Your commissioner is of the opinion that it would be to the best interest of the infant defendant to sell the said first above described real estate privately, if as much as three hundred dollars can be gotten for the property at such a sale.

7. Your commissioner has no knowledge of any other matters which might be specially stated or deemed pertinent by himself or required by any party to be stated.

Respectfully submitted this 30th. day of December 1907.

Bradford Kilby

Commissioner in Chancery.

Commissioner's fee

$10.00

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

Commissioner's Office, Suffolk, Va. Dec. 23. 1907

To

Lucy W. Stever, Guardian of Annie W. Stever Complainant

and

Mary C. Tracey, and Annie W. Stever Defendants

You are hereby notified that on the 30 day of December 1907, 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 23 day of December, 1907, in the suit in chancery pending in said Court to which you are parties plaintiff and defendantS, to-wit:

(1) An account of what estate, real and personal, the infant defendant, Annie W. Stever, is possessed or entitled to, and what is its fee-simple and annual value

(2) An account of whether the interest of the said infant defendant will be promoted by a sale of the real estate, in the bill mentioned, and an investment of the proceeds of sale in other property.

(3) An account of whether the rights of any person will be violated by such sale and investment.

(4) An account of who would be the heirs-at-law and distributees of the said infant defendant, if she were dead, and whether all such persons are properly before the court.

(5) An account of any other matter deemed pertinent by said commissioner or which shall be required to be stated by any person in interest.

Given under my hand, as Commissioner in Chancery of said Court, the 23 day of December, 1907

Bradford Kilby
Commissioner in Chancery.

See acceptance of notice filed on separate sheet.

Form No. 400.

Lucy W. Stever, Gdn.
of Annie W. Stever.

*vs.* } **COMMISSIONER'S NOTICE.**

Annie W. Stever, Mary C.
Pracey et als.

Lucy W. Stever, Guardian etc. — Complainant.

vs. } In Chancery

Annie W. Stever et als. — Defendants.

The depositions of Lucy W. Stever, Arthur B. Ballard, William Thomas Kilby, W. F. Eley, and A. W. Ballard, taken before me Bradford Kilby, a Commissioner in Chancery for the Circuit Court of Nansemond County, at my office in Suffolk, Virginia, on the 30th. day of December 1907, to be read as evidence in behalf of the complainant in a certain suit in equity pending in said court between Lucy W. Stever, Guardian, etc. Complainant and Annie W. Stever et als Defendants.

Present: R. H. Rawles, Attorney for the Complainant.

No attorney for the defendants.

Lucy W. Stever, Guardian of Annie W. Stever

vs.

Lucy W. Stever, Mary C. Tracey and John P. Lee,
Guardian ad litem of Annie W. Stever.

In Chancery.

I, John P. Lee, guardian ad litem for Annie W. Stever, the infant defendant in the above cause, hereby agree and consent that, on the taking of accounts by Commissioner Bradford Kilby, in the above cause, on the ~30~ day of December, I907, the followin interrogatories may be asked any and all witnesses who appear before said commissioner to testify in said cause.

I.

State your name, age, residence, occupation, and if you know the parties to the above suit?

2.

State whether or not you are acquainted with the real estate belonging to the infant defendant, described in the bill. If so, how long have you known the same, and what have been your opportunities for knowing the same? What is the fee simple and annual value thereof?

3.

State whether or not, in your opinion, the interest of the infant owner will be promoted by a sale of the same and an investment of the proceeds in other property? Will the interest of any person be violated by a sale and an investment of the proceeds?

4.

If a fair price can be obtained at a private sale, would it be advisable to sell the same at such private sale?

5.

State any other matter that you may know in connection with this case that will throw any light on the same.

John P. Lee Guardian ad litem for infant defendant

Th Ferrogalvres.

Lucy W. Stever, being duly sworn, deposes and says as follows:

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

A.- Lucy W. Stever, age 38 years, Magnolia, Va., housekeeper, and I know the parties to this suit.

Q.- State whether or not you are acquainted with the real estate belonging to the infant defendant, Annie W. Stever, and described in the bill, if so, how long have you known the same and what have been your opportunities for knowing the same? What is the fee simple and annual value thereof?

A.- I know the real estate well, and have known it all of my life; I was raised on the farm right adjoining it. My father's name is Elisha Ballard and this tract of land adjoined his land. I think it is worth about $300.00. It has no annual value, whatever, as it is a piece of ordinary woodland.

Q.- State whether or not, in your opinion, the interest of the infant owner will be promoted by a sale of the same and an investment of the proceeds in other property?

A.- Yes, I think it would be greatly to the interest of the infant defendant to sell this tract of land, and for these reasons: it is, as I have said before, a piece of ordinary woodland, on which the wood and timber have all been cut off; in fact, it has been cut off several times; it is an ordinary piece of land, only, and not fit for farming purposes, and has never been cultivated. It is not fenced; it pays no income, whatever, and, besides, I have to pay the taxes on it each year. It is also true that people have been trespassing on the same, at will, and taking off lightwood, wood and straw, at their will. I live down at

Magnolia, Va., some distance from it, and have no opportunity of keeping a close inspection over it, so as to prevent these trespassers. Besides, it is almost every year burnt over by passing trains, as it lies right by the side Seaboard Air Line Railroad. I am, at this time, in a position where I could not afford to sue the Company for a settlement, even if they burnt it over, as I am now a pensioner of said Company, and at their mercy. My husband was killed in their service and, since his death, they have kindly allowed mw a monthly pension, which they can stop at any time they may see fit. The money realized from the sale of this land could be put out at six per-cent. interest on good real estate security, which would produce a fair income. Or there is a small building down at Magnolia, which I can purchase at a reasonable price, for this sum, and which, if purchased, would pay about $250.~~00~~ per month rent, which would be much better than letting the land lie idle and produce nothing.

The infant defendant owns a tract of land at Magnolia Station, in this County, known as the "Homeplace" on which we reside. That tract of land is worth, I should say, about $2500.00, and in it I have a dower interest. I am perfectly willing to waive my dower interest in the small tract of thirty acres, in this suit. The infant defendant owns about $500.00 worth of personal property, mostly in bonds, but she is now at school and at considerable expense, and it will more than take this to finish her expenses and education.

Q.- Will the interest of any person be violated by an investment of the proceeds?

A.- I am quite sure no person's interest will be violated. She is the only heir and her aunt, Mrs. Tracey, has signed up papers which are filed in this case, in which she offers no

no objections, whatever, to the sale.

Q.- If a fair price can be obtained at a private sale, would it be advisable to sell said land at such private sale?

A.- In answer to this question, I will say, I have a purchaser in view who at first offered me $250.00 for the land; that was a long time ago, and, for quite a while, I could not get him to raisehis offer, but, after I explained to him that I could not sell this land privately, and that there would be much expense attending the sale of it, and that I was not willing to sell it for $250.00 and pay all the expenses, he finally offered to pay me $300.00 for it. I think, therefore, it would be best to sell it to him at that price and thereby save the cost of advertising and auctioneer's fee, as I am quite sure that he would pay more for it than any one else. He wants this land simply because it adjoins his land and helps to give his land a better appearance, and, for that reason, no doubt, he would pay more for it than any one else would.

In case of the death of the infant defendant, during her infancy, her only heir-at-law would be Mrs. Mary C. Tracey, sister of her deceased father.

And further this deponent saith not.

Signature waived by consent.

Arthur B. Ballard, being duly sworn, deposes and says as follows:

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

A.- Arthur B. Ballard, age 27 years, Suffolk, Va., I am with the Weighing & Inspection Bureau, for all the railroads that pass through Suffolk. I know all the parties to this suit.

Q.- State whether or not you are acquainted with the real estate belonging to the infant defendant, Annie W. Stever, described in the bill; if so, how long have you known the same and what have been your opportunities for knowing the same? What is the fee simple and annual value thereof?

A.- I am very well, indeed, acquainted with the land. I helped to survey it once or twice. It adjoins my father's farm where I was raised, and I have known it all of my life. It is worth about $275.00 or $300.00; that is about all, in my opinion, it is worth. It has no annual value, as it is a piece of "out-land" , not arable, not cultivated, not fenced, and the wood has all been cut from it and it has no annual value, whatever.

Q.- State whether or not, in your opinion, the interest of the infant owner will be promoted by a sale of the same and an investment of the proceeds in other property?

A.- In my opinion, it would be very greatly to the interest of the infant defendant to have it sold, and for this reason: the land, to her, is practically worthless; it produces no income, whatever; she is taxed on it every year; people are continually trespassing on it whenever they wish; and the railroad company burns it over very frequently. If it could be sold for a fair price, say something like $300.00, the money realized from the sale could certainly be invest-

ed so that it would pay a fair income; for these reasons, in my opinion, it ought to be sold.

Q.- Will the interest of any person be violated by a sale and an investment of the proceeds in other property?

A.- Not that I know of.

Q.- If a fair price can be obtained at a private sale would it be advisable to sell it at such private sale?

A.- If she can get anything like, say $300.00, for it, I think it would be better to sell it privately and thereby save some expense.

And further this deponent saith not.

Signature waived by consent.

William Thomas Kilby, being duly sworn, deposes and says as follows:

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

A.- William Thomas Kilby, age 36 years, Nansemond County, Virginia, farmer, and I know the parties to this suit.

Q.- State whether or not you are acquainted with the real estate belonging to the infant defendant, Annie W. Stever, described in the bill, and, if so, how long have you known the same, and what have been your opportunities for knowing the same? What is the fee simple and annual value thereof?

A.- Yes, I am well acquainted with the land in question. I have known it for twenty years. It lies within one mile or so of my farm. It is worth $275.00 or $300.00. It has no annual value, whatever, as it is "out-land."

Q.- State whether or not, in your opinion, the interest of the infant owner would be promoted by a sale of the same and an investment of the proceeds in other property. Will the interest of any person be violated by a sale and an investment of the proceeds?

A.- In my opinion, it would be to the interest of the infant to sell this land and re-invest the proceeds of the sale, for this reason: the land is some distance from where Mrs. Stever lives, and she cannot give it personal attention; she could hardly do so if she were a man and, under the circumstances, land that lies in a condition like this is almost always trespassed on by outsiders; it is even so in cases where you live near the land, and, in a case like this, where there is nobody to overlook it, it is almost impossible to keep trespassers off the same. It lies right by the side of the railroad and is liable to be burnt over by fire from passing trains. The wood hasbeen cut from the

land and it is not fenced, and not in a condition to benefit anyone. For these reasons, I certainly think it would pay to sell it and invest the proceeds.

Q.- Will the interest of any person be violated by a sale and an investment of the proceeds?

A.- So far as I know it would not be. I do not see how it could be.

Q.- If a fair price could be obtained at a private sale, would it be advisable to sell the same at such private sale?

A.- If she can get something like $300.00 for it, I think that is a fair price and about all it would bring, and therefore it would be as well to let it go at that, at private sale, so as to save expense of advertising and the auctioneer's fee.

And further this deponent saith not.

Signature waived by consent.

W. F. Eley, being duly sworn, deposes and says as follows:

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

A.- W. F. Eley, age 56 years, Nansemond County, Virginia, farmer, and I know the parties to this suit.

I am well acquainted with the land in question. I have known it all my life, I only live a short distance from it, only about one and one quarter miles from it. I think $275.00 or $300.00 is a pretty good price for it. It has no annual value, being unfenced, and only a piece of "out-land" and wood land. I believe it would be best to sell it and reinvest the money as it pays nothing in its present condition; whereas the money could be invested to some profit. The land is depredated on and it is difficult for Mrs. Stever to protect it properly, or to turn it out to any advantage, as she lives down at Magnolia, a good distance off. I do not know that the rights of any person would be violated by a sale. If $300.00 can be gotten for it I think it would be best to sell it privately.

And further this deponent saith not.

Signature waived by consent.

A. W. Ballard, being duly sworn deposes and says as follows:

Q.- Please state your name, age, residence, occupation, and if you know the parties to this suit?

A.- A. W. Ballard, 54 years, Nansemond County, Virginia, farmer and merchant, and I know the parties to this suit.

Q.- State whether or not you are acquainted with the real estate belonging to the infant defendant, Annie W. Stever, and described in the bill in this case. Is so, how long have you known the same and what have been your opportunities for knowing the same. What is the fee simple and annual values thereof?

A.- I am acquainted with the land. I have known it ever since the year I868. I live about four miles from it, and have been over it a great many times. I boarded with Mr. Elisha Ballard for many years and went to school and was then right at this land. I think it is worth about $275.00 or $300.00. It has no annual value, whatever, as it is a piece of woodland.

Q.- State whether or not, in your opinion, the interest of the infant owner would be promoted by a sale of the same and an investment of the proceeds in other property?

A.- Yes, I should think it would, as it pays nothing, whatever, now, and the money might be invested in such a manner as to produce an annual income. The interest of no person will be violated by such a sale that I am aware of.

Q.- If a fair price can be obtained at a private sale, would it be as well to sell the same at such private sale?

A.- Yes, I think if you could get $275.00 or $300.00 for it, it would be better to sell it privately, as that is all, in my judgment, it is worth, and some expense would be saved.

And further this deponent saith not.

Signature waived by consent

Definitions.

Salem Dec 30th 1807

Virginia,

County of Nansemond,to-wit:

I, Bradford Kilby, Commissioner in Chancery of the Circuit Court for the County of Nansemond,in the State of Virginia,do hereby certify that the foregoing depositions of Lucy W. Stever,Arthur B. Ballard,William Thomas Kilby, W. F. Eley, and A. W. Ballard, were duly taken and sworn to, before me,at the time and place and for the purpose in the caption hereto attached. Given under my hand this 30th. day of December 1907.

Bradford Kilby

Commissioner in Chancery.

Commissioners fee $10.

Stever, Gdn, etc.

vs. } In Chancery

Stever et als

Report of Commissioner
Bradford Kilby
under decree of Dec.
23, 1907.

1907 Dec 30th Filed
A. P. Gomer D.C.

Bradford Kilby

ATTORNEY AT LAW,
SUFFOLK, VIRGINIA.

| | | |
|---|---|---|
| Lucy W. Stever | ) | |
| vs. | ) | In Chancery. |
| Annie W. Stever, 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 I7th day of February, I908, and to which no exception has been filed, and was argued by counsel.

On consideration whereof, it appearing from said report that the said Special Commissioner, R. H. Rawles, had collected the whole of the purchase money for the land, heretofore reported sold in this cause, to-wit, the sum of Three Hundred Dollars; that he has paid all the cost and expenses of this suit and sale, and that he has paid the balance over to Lucy W. Stever, guardian of Annie W. Stever, as directed by this court, and has filed vouchers for all said disbursements 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.

Final Decree.

Entd. March 9th. 1908.

Julius L. M. Symons

Entered in Chancery
Order Book No. 4. Page 532.

R. H. RAWLES
ATTORNEY AT LAW
SUFFOLK, VA.

ALVAH BUSHNELL CO., LAW STATIONERS, 942 MARKET ST., PHILADELPHIA, PA.

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

In the Circuit Court for the County of Nansemond,

to wit:

THE ANSWER OF Annie W. Stevens

infant under the age of twenty-one years, by John P. Lee guardian *ad litem*, assigned to defend her in this suit, to a bill of complaint exhibited against her and others in the Circuit Court for the County of Nansemond, by Lucy W. Stevens her guardian ~~and others.~~

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

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

John P. Lee Guardian *ad litem*.

p. d.

Virginia
County
OF
Nansemond } *ss.*

This day, John P. Lee guardian ad litem of Annie W. Stevens, whose name is signed to the foregoing answer, personally appeared before me, in my said County and made oath that the statements made therein, so far as they depend upon his own knowledge, are true, and so far as they depend upon knowledge derived from others he believes them to be true.

Given under my hand, this 16th day of December 1907

R. H. Rawles N. P.

Form No. 35.

Annie W. Stevens

*adv.*

ANSWER
OF
INFANT DEFENDANT.

Isaac W. Stevens.

| | | |
|---|---|---|
| Lucy W. Stever, Guardian, &c. | ) | |
| Vs. | ) | In Chancery. |
| Annie W. Stever, et als. | ) | |
| | ) | |

In the Circuit Court of Nansemond County.

The answer, under oath, of Annie W. Stever, infant under the age of twenty-one but over the age of fourteen, to a bill of complaint exibited against her, and others, by Lucy W. Stever, her guardian, in the Circuit Court of Nansemond County.

For answer to the said bill, this defendant says that she is fifteen years of age; that, by reason of her tender years, she knows but little of the allegations of the said bill; so far as she does know, she believes the same to be true and sees no reason why the prayer of the bill should not be granted, and, accordingly, she concurs therein, but relies upon the court to protect her interest.

And now, having fully answered, she prays to be hence dismissed with her costs, and she will ever pray, etc.

Annie W. Stever.

State of Virginia,

County of Nansemond, To-wit:-

Sworn to before me, in my county aforesaid, this I6th day of December, I907.

My commission expires on the 30 day of Jan. 1911.

R. H. Rook N. P.

Answer of
Annie W. Stover.

Infant over 14 years.

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

Humbly complaining, showeth unto your honor, your complainant, Lucy W. Stever, guardian of Annie W. Stever, infant child of Fred G. Stever, deceased, that she was appointed and qualified as the guardian of the said infant in the ~~said~~ County of said County court on the 15 day of April, in the year 1903, as will appear from a certificate of the Clerk of the Court, showing the same, herewith filed, marked "A" and prayed to be taken as a part of this bill. That the infant is now of the age of fifteen years and is the owner, in fee simple, subject to the dower right of the said Lucy W. Stever, who is also the mother of the said infant, and the widow of the said Fred G. Stever, deceased, of the following real estate, situated in the County of Nansemond, in the State of Virginia, and bounded and described as follows: said land lies west of the county road, known as the Blackwater road or Ballard road, and south of the Seaboard & Roanoke Railroad, and being that tract of land designated on a plat recorded in the Clerk's Office of Nansemond County Court, as No. 4, said plat being recorded as a part of the deed by which Thomas E. Trotman and wife acquired title to the said land, hereby conveyed, from William L. Wise and Lucy, his wife, said deed being dated the 8th day of April, I892, and duly recorded in the said Clerk's Office, reference hereby being made to said deed and plat; and being the same land which was conveyed to the said Fred G. Stever by Thomas E. Trotman and wife by a deed dated the 7th day of December, I896, and recorded in D. B. 38, page 3I3 in the said office; said tract of land containing Thirty (30) acres; said deed being herewith filed, marked "B" and prayed to be read as a part of this bill. The said real estate was derived by said infant by descent from her father, Fred G. Stever, who departed this life some seven

or eight years ago. The said infant is also seized and possessed, in fee simple, subject to the dower right of her said mother, of a tract of land known as the "Home Place" situated at Magnolia Station in Nansemond County, Virginia, containing thirty acres, and which is worth about Twenty Five Hundred Dollars; it being the place on which the said infant and her mother, your complainant, now reside, and this is all the property which the said infant owns.

Your complainant thinks that the interest of her ward will be greatly promoted by a sale of the real estate, first above mentioned, and an investment of the proceeds in other property, as provided by the Statute of Virginia; and she thinks the following facts are calculated to show the propriety of such sale and investment. The said tract of land is a vacant tract of barren land, situated near Buckhorn, in said County and State; it is not arable land, having never been cultivated, and was originally woodland, but the wood and timber has been repeatedly cut off the same until it is now a barren tract with only a scanty growth of small trees on it. The soil is of a sandy quality and scarcely fit for cultivation; and said land being so far away from your complainant, she cannot exercise the supervision over it which is necessary to prevent depredation on the same, and she is constantly informed that parties living near it are constantly trespassing on the same, pillaging it, and taking therefrom soil, sand, lightwood, pinestraw, and shrubbery, at their own pleasure. The said land is a source of no revinue, whatever, but, on the contrary, is a source of expense, as she is required annually to pay the tax on the same. It is assessed at One hundred and fifty Dollars. When the said Fred G. Stever purchased said land he paid Three Hundred and Twenty-five Dollars for it, and bought it chiefly for the wood that it then contained, and, since that time, he has sold wood off of it to more than doubly pay back the purchase price, and, before his death, had almost virtually abandoned the said land as

being worthless.

Your complainant says that she has been offered the price and sum of Three Hundred Dollars for said land, and she is of the opinion, representing fully the best interest of her ward and her child, that the interest of the said ward will be greatly promoted by her selling it for that price; and your complainant believes that the rights of no person, whatever, will be violated by such sale and investment. If the said infant were dead, the following person would be her heir-at-law and distributee, to-wit, Mary C. Tracey, the sister of her deceased father, Fred G. Stever; the father and mother of the said Fred G. Stever being both deceased, and the said Mary C. Tracey being his only sister, he leaving no brothers or other sister, nor the descendants of any, and no other children than the said ward.

In tender consideration whereof and for as much as your complainant is remediless 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 Annie W. Stever, infant under the age of twenty-one years, and Mary C. Tracey, and Lucy W. Stever, mother of the said infant, 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 the said infant and required to defend her interest in this suit; that proper process may issue; that all proper accounts may be taken; and that the said land may be decreed to be sold and the proceeds invested as the court shall direct; and for all such other, further and general relief, as this case may require, or which to equity may seem meet, and your complainant will ever pray, etc.

Notice is hereby given that the court will be asked to allow a proper counsel fee for the plaintiff's counsel in this cause.

Lucy H. Stever Guardian
Annie W. Stever

State of Virginia,

County of Nansemond, To-wit:

I, L. D. Jacobs, a Notary Public in and for the County aforesaid, in the State of Virginia, do certify that Lucy W. Stever, guardian of Annie W. Stever, the complainant in the above suit, this day personally came before me, in my County aforesaid, and made oath that she believes the several statements made in the foregoing bill to be true.

Given under my hand this 7th day of December, 1907.

My commission expires on the 23rd day of February, in the year 1909.

L. D. Jacobs N. P.

Lucy W Slever
vs } Chancery
Annie W Slever & others

1907 Dec 4th. Process issued returnable to December Rules 3rd Monday.

" " 16. Guardian ad litem Apptd.

" " " Process returned, service accepted by admr & defendants Bill filed and decree nisi against them

" " 23. Decree for accounts entered by consent.

Jany Stts. for Docket.

Chancery Notes

Lucy W. Steven &c.

vs

Annie W. Steven &c

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1908

March 9th

Final Decree.