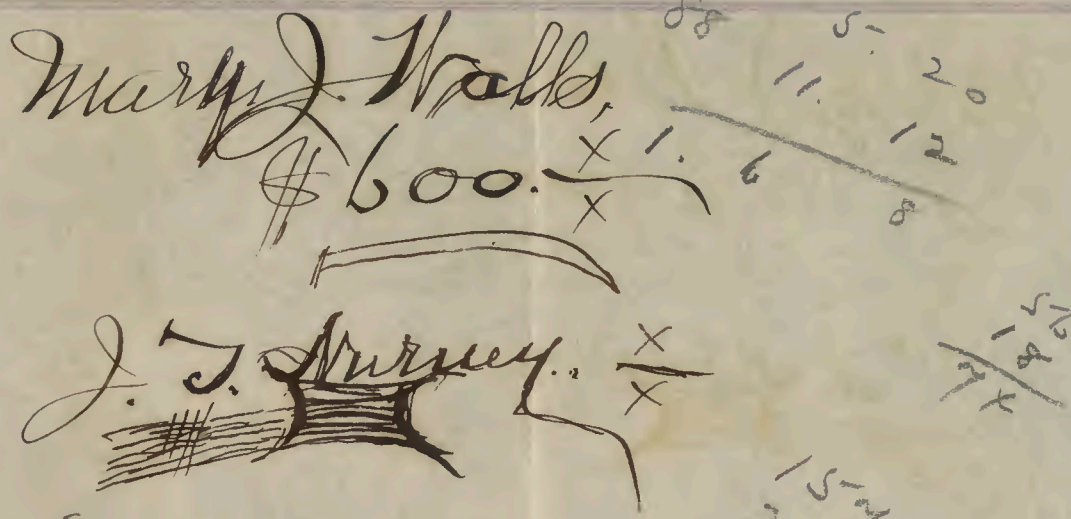
1909-056
Nansemond Co (Suffolk) Chancery Causes: Martin Walls, gdn vs Mary Savage, infant et al

Knight, Parker, Speight, Wright


Mary J. Walls,
$600.
J. J. Nurney.

Suffolk, Va. 188

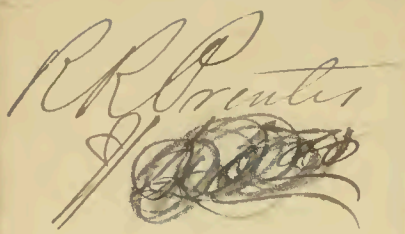
Mr Rob R Pruitt

TO SUFFOLK HERALD, DR.

J. E. BOOKER, PROPRIETOR

BOOK AND JOB PRINTING A SPECIALTY

1888					
Oct	26	To Printing 200 Bills Sale of Cornelius Savages Land			1 50
Nov	9	" 400 Same in Herald 4 pr in col			3 00
					4.50



1.50

SUFFOLK, VA., May 24 1890.

Mr R R Prentis

TO SUFFOLK HERALD, DR.

J. E. BOOKER, PROPRIETOR

BOOK AND JOB PRINTING A SPECIALTY

1888

Oct 26 To Adv Cornelius Savage Farm
for Sale — in Herald 3 00
" Printing 200 Bills Notice of
Sale 1 50
4 50

Rec'd Payment J E Booker

Wm Martin Wall

1867 Suit for Minor Daughter

vs H. W. Harney

Aug 10 Ty & Double Damages $750

for Seduction

Suffolk Va aug 26" /87

Postate of Minnie Pearl Savage

To J. L. Wilson aug 10" for use

of one Wheaton et Flannel $3.00

Suffolk, Va. 18

Est Miss Minnie A Savage.

To HALL & HOLT, Dr.

UNDERTAKERS AND DEALERS IN ALL KINDS OF FURNITURE.

FINE SETS OF FURNITURE ALWAYS ON HAND.

Burial Robes, Metallic and Cloth Caskets Furnished to Order at Short Notice.

1889				
August 10	To	Coffin & Box	25 00	
	"	Use Hearse & Horses	5 00	$30 00

Mr Martin Walls Guard for Minnie D. Savage

	1889	To R. L. Parker	do
Aug	1	In Mr Mo to	do	1 00
	2	do	do	1 00
	3	do	do	1 00
	4	do	do	1 00
	5.6.7.8.9 = 5 in Mo	do		5 00
				$9 00

Mr Martin Walls Guard for Wpton Savage

	1889	To R. L. Parker	do
Jany	5	In Mo to Wpton		1 00
	6	do	do	1 00
Mch	14	In Mo to	do	1 00
Jany	26	Paid for Mo Sandy Times		2 00
				$5 00

1889

Minnie P. Savage

Dr Mary J. Walls

For Board & washing from
aug 10" 1888. to aug 10" 1889 $144 ++
Dr Clothing & Burial Robes 25 ++

169

David O. Savage

Dr Mary J. Walls

For Board & washing from
aug 10" 1888. to aug 10" 1889 $120 ++
Clothing. Books &c 20

$140 ++

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Mary Savage (infant) Thomas Savage (infant), Minnie Pearl Savage (infant), David Oliver Savage (infant) Robert R. Savage, J. Lloyd Savage, Luther S. Savage, Jamis Savage and Martha Savage his wife, William W. Knight and Amanda E. E. Knight his wife Mitchel Parker and Elizabeth O Parker his wife Nannie T. Knight ~~Rosa C Speight~~

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 September next, to answer an original Bill in Chancery, exhibited against them in the said Court by Martin Wales Guardian of Mary Savage, Thomas Savage, Minnie Pearl Savage and David Oliver Savage

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 29th day of August 1887, in the 112th year of the Commonwealth.

Teste:

Peter B. Prentis Clerk.

We acknowledge legal and sufficient service of the within Summons.—

J. Lloyd Savage

Luther Savage

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Mary Savage (infant) Thomas Savage (infant), Minnie Pearl Savage (infant), David Oliver Savage (infant), Robert R. Savage, J. Lloyd Savage, Luther S. Savage, James Savage and Martha Savage, his wife, William W. Knight and Amanda E. Knight his wife,

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 September *next, to answer an original Bill in Chancery, exhibited against them, in the said Court by* Martin Wells, Guardian of Mary Savage, Thomas Savage, Minnie Pearl Savage and David Oliver Savage,

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 29th *day of* August *1887, in the* 112 *th year of the Commonwealth.*

Teste:

Peter B. Prentis *Clerk.*

We acknowledge legal and sufficient service of the within Summons. —

M. W. Wright
& E. E. Knight
Att'ys for Pltff

R. Lloyd Savage
W. B. Savage
Martha C. Savage

Prentiss p.p.
Martin Walls, Gdn. &c

vs Summons in Chy.

Mary Savage & al: infants; and
Robert R. Savage & al:

To September Rules, 1887

Pro: B. No. 1. page 248
Cir: Co.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Mary Savage (infant), Thomas Savage (infant) Minnie Pearl Savage (infant), David Oliver Savage (infant) Robert R Savage J. Lloyd Savage Luther S. Savage, James Savage and Martha Savage, his wife. William W. Knight and Amanda E. Knight, his wife, Mitchel Parker and Elizabeth O. Parker his wife

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 September *next, to answer an* original *Bill in Chancery, exhibited against* them *in the said Court by* Martin Walls Guardian of Mary Savage, Thomas Savage, Minnie Peare Savage and David Oliver Savage

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 29th *day of* August *1887, in the* 112 *th year of the Commonwealth.*

Teste:

Peter B. Prentis *Clerk.*

We acknowledge legal and sufficient service of the within Summons.—

J. Lloyd, Savage

Mitchell. Parker.

E. O. Parker.

CHANCERY SUMMONS.

The Commmnwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON James M. Savage

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 October ~~~~ *next, to answer a* ~~~~ *Bill in Chancery, exhibited against* him and others ~~~~ *in the said Court by* Martin Walls, Guardian of Mary Savage, Thomas Savage, Minnie Pearl Savage and David Oliver Savage,

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 19th *day of* September ~~~~ 1887, *in the* 112th *year of the Commonwealth.*

Teste:

Peter B. Prentis *Clerk.*

I have this The 29th day of September 1887
Served a Copy of this Subpoena in writing
upon the within named James. M. Savage

Wm H. Howell
Sheriff.

Received for Service
Martin Walls, Guardian &c
vs
Edward M. Clay &
Henry Savage Adm &c. Defendants

To Oct. Rules 1887

Pd. $1.00 Sept 29 1887
Cir. Co.

Know All Men by These Presents, That we, Robert R. Prentis and Jos. P. Webb

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Two Thousand (2000) DOLLARS, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 16th day of October in the year one thousand eight hundred and eighty- eighth, and in the 113th year of the Commonwealth. The obligors herein hereby waive all benefit of the homestead exemption as to the obligation of this bond, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter claims or offsets other than legal tender currency of the United States.

THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bound Robert R. Prentis

who ~~has this day qualified before~~ was by a decree of the Circuit Court of Nansemond County, pronounced on the 10th day of October, 1888, in the Chancery Cause of Martin Walls, guardian, &c, Plaintiff, against Mary Savage &al Defendants, appointed a Special Commissioner to sell certain Real Estate in said Cause described, ~~&c~~ under said decree or any future decree that may be pronounced in said cause shall faithfully discharge the duties of his said trust, then the above obligation to be void, or else to remain in full force and virtue.

Executed in presence of the Court.

Robert R. Prentis SEAL

Jos. P. Webb SEAL

SEAL

SEAL

SEAL

Martin Walls, 9th: &c

vs } In Chy:

Mary Sawyedal

1888
Octo: 16th:

Commissioner of Sale's
Bond.

Know All Men by These Presents.

Suffolk, Va., May 20th. 1890.

Martin Walls, Guardian &c.

vs.

Mary Savage et als.

To the Honorable Chandler W. Hill Judge of the Circuit Court of Nansemond County:

The undersigned Special Commissioner begs leave to report that Mary J. Walls the purchaser of the land in the bill described has paid the balance of the purchase money due for the said land, which has been distributed as shown below:

Statement.

Principal of three bonds		$559.57
Interest 12th. November '88 to date		51.10
Paid taxed fee and tax	$ 31.50	
Paid Commissions on sale	27.10	
Paid W. J. Kilby Commr. in Chancery	15.00	
Paid for drawing deed to purchaser	5.00	
Paid Clerk's fees	10.00	
Paid Auctioneer's fee	5.00	
Paid for advertising sale	4.50	
Paid Sheriff's fee	.50	
Paid Martin Walls Guardian of Minnie Pearl Savage, Thomas Savage & David Oliver Savage in full settlement.	512.07	
	$610.67	$610.67

The land has been conveyed by deed with special warranty to the said Mary J. Walls the purchaser thereof, and the bal-

ance of purchase money, after the payment of costs of suit and expenses of sale, as shown by the above statement has been paid to Martin Walls as the Guardian of the infant defendants Minnie Pearl Savage, Thomas Savage and David Oliver Savage in obedience to the decree pronounced in the above entitled cause on the 10th. day of October 1889.

Vouchers for all disbursements are herewith returned.

Respectfully submitted,

Rob R. Prentis,

Special Commissioner.

Suffolk, Va., May 20th. 1890.

Received of Robert R. Prentis Special Commissioner in the Chancery cause of Martin Walls Guardian &c. vs. Mary Savage and others the sum set opposite our respective names, as shown in the report hereto annexed.

J. E. Booker for Atty $45.00

R. H. Brinkley crier $5.00.

Wilbur J. Kilby. Comr. in Chy. $15.00

Peter B. Prentis for Atty $10—

Wm. H. Powell Sheff 50

Suffolk, Va., May 20th. 1890.

Received of Robert R. Prentis, Special Commissioner, in the Chancery cause of Martin Walls Gdn. &c. vs. Mary Savage & others the sum of five hundred and twelve dollars and seven cents, which is paid to me ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ as the Guardian of Minnie Pearl~~x~~ Savage, Thomas Savage and David Oliver Savage, infants, by authority of the decree of the Circuit Court of Nansemond County pronounced in the above entitled Chancery cause on the 10th. day of October 1889.

$512.07

Witness:

E. E. Holland

Martin Walls

Guardian of Minnie Pearl Savage, Thomas Savage and David Oliver Savage.

3) 512.07
170.69

Martin Walls, Gdn.

vs.

Report of Distribution

Mary Savage &c.

Dated May 20. 1890

Filed September 19th 1890

A. P. Glenn
Cir. Ct.

$ 157.35 One year after date, with legal interest from date until paid, ~~payable~~ I bind my self, my heirs, executors and administrators, jointly and severally, to pay to Robert R. Prentis, Special Commissioner in Walls Gdn. v. Savage et al, his heirs or assigns, the sum of One Hundred and fifty-seven 35/100 DOLLARS, for value received; and I hereby waive the benefit of my Homestead Exemption as to this debt, obligation and contract.

Witness my hand and seal this 12th day of November 1888.

Mary Jennett Walls SEAL

SEAL

SEAL

SEAL

Witness :

Martin Walls

$201.11/100 Two years after date, with legal interest from date until paid, ~~payable~~

I bind my self, my heirs, executors and administrators, jointly and severally, to pay to Robert R Reavis, Special Commissioner in Walls Gdn v. Savage &c his heirs or assigns, the sum of Two hundred and one 11/100 DOLLARS, for value received; and I hereby waive the benefit of my Homestead Exemption as to this debt, obligation and contract.

Witness my hand and seal this 12th day of November 1888

Mary Jennett Walls SEAL

SEAL

SEAL

SEAL

Witness :

Martin Walls

$201.11/100 Three years after date, with legal interest from date until paid, ~~payable~~

I bind myself, my heirs, executors and administrators, jointly and severally, to pay to Robert R. Prentis, Special Commissioner in Walls Gdn. v. Savage &c. his heirs or assigns, the sum of Two hundred and one 11/100 DOLLARS, for value received; and I hereby waive the benefit of my Homestead Exemption as to this debt, obligation and contract.

Witness my hand and seal this 12th day of November 1885

Mary Jennett Walls SEAL

SEAL

SEAL

SEAL

Witness :

Martin Walls

Suffolk Va.,
September 30. 1889.

Martin Walls, Guardian &c.

v.

Mary Savage &c. -

To the Honorable Chandler W. Hill, Judge of the Circuit Court of Nansemond County. -

The undersigned Special Commissioner, begs leave to report that in obedience to the decree pronounced in the above entitled cause on the 10th. day of April 1889, he has accepted the bid of Mary J. Walls for the land in the bill described, to wit: #905. - as of November 12, 1888. -

Inasmuch as since the said decree the said Mary J. Walls has acquired the interest of the defendant Mary J. Savage, who since the said decree was entered attained her majority and conveyed her said interest to Mary J. Walls, the purchaser, the Commissioner did not require any cash payment to be made, and no money has been paid by the purchaser, because her interest as tenant in dower and

as the purchaser of Mary Savage's interest in the proceeds of sale exceeds in amount the sum required by the decree for sale as the cash payment from the purchaser.-

Statement.

1888 Nov. 12.	Amount of purchase money	$905.-
	Costs of suit and sale	98.60
	Net proceeds	$806.40

As Mary J. Walls the tenant in dower was born Jany. 3. 1848, she was nearly 41. years old on the day of sale, and hence her interest commuted in accordance with section 2281 Code of 1887, amounts to. 191.78

Net amount for the four heirs at law.- $614.62

One fourth of which is = $153.65

Add commuted value of dower 191.78

Mary J. Walls interest = $345.43

The decree required one third of the purchase money in cash say 1/3 of $905.- = $301.66.-

The purchaser Mary J. Walls has therefore executed her three bonds dated 12. November 1888 payable in one, two and three years, for the balance due by

her, to wit:

Bond payable	One year	$157.35
" "	Two years.	201.11
" "	Three years.	201.11
The purchaser's interest accepted as cash.		345.43

Making amount of purchase money $905.-

The said bonds are herewith returned.-

Minnie Pearl Savage, one of the infant defendants is dead and her board for the past year, and her funeral expenses are due and unpaid.- These debts amount to more than the interest of the said Minnie Pearl Savage in the proceeds of the real estate under the control of the Court in this cause.-

The purchaser desires to anticipate the payment of her bonds.-

Costs of suit Vz:

Atty. Fee	$31.50
Commr's fee	27.10
Commr's in Chy.	15.
Deed to purchaser	5.
Clerk	10.
Auctioneer	5.
Advertising Sale	4.50
Sheriff	.50
	$98.60.-

Respectfully Submitted,

Rob. R. Prentis,
Special Commissioner.

Martin Walls, Gdn.

v.

Report
of
Special Comm.
Dated 30 Sept. 1889.

Mary Savage Pet.

1889 Sept 30th filed

COMMISSIONER'S SALE

—OF THE—

CORNELIUS F. SAVAGE FARM!

By authority of a decree of the Circuit Court of Nansemond county, pronounced on the 10th day of October, 1888, I shall offer for sale at public auction, in front of the Courthouse door of Nansemond county,

On Monday, November 12, 1888,

(that being County Court day), that certain tract or parcel of land, which is said to contain about 196 acres, adjoining the lands of R. Frank Rogers, Timothy Pierce, Alexander Mack, Joseph Rawls and Emeline E. Rabey.

There is a dwelling sufficient to accommodate an ordinary family, the necessary outbuildings and good water on the farm. It lies between the Suffolk Lumber Company's railroad and the proposed line of the Chowan and Southern railroad, and shipping points are conveniently near. Possession given 1st of January, 1889.

TERMS OF SALE:

One-third of the purchase money will be required in cash, and the residue in three equal instalments in one, two and three years from the day of sale; the deferred payments to be evidenced by the bonds of the purchaser, bearing interest from the day of sale, the title to be retained as ultimate security. Or, if the purchaser elect to do so, he may pay the whole purchase money in cash.

ROB. R. PRENTIS,
Special Commissioner.

I, PETER B. PRENTIS, Clerk of the Circuit Court of Nansemond county, Virginia, do hereby certify that the above-named Special Commissioner, ROBERT R. PRENTIS, Esq., has given the bond required by the decree authorizing the sale, with security deemed sufficient by me.

Given under my hand this 16th day of October, 1888.

PETER B. PRENTIS, CLERK.

Sold November 12th. 1888 to Sarah P. Sterling
for ~~$,~~ $905.

K. W. Brinkley
Comm

Wm. M. Sterling.

Suffolk Va.
March 30. 1889.

Martin Wells Guardian &c.

vs.

Mary Savage &c. -

To the Honorable Chandler W. Hill, Judge of the Circuit Court of Nansemond County:

The undersigned Commissioner appointed by decree in the above entitled cause entered October 10. 1888, to sell the land in the bill described begs leave to report, that after due advertisement in accordance with the requirements of the said decree, the said land was offered for sale at public auction in front of the Court-house door of Nansemond County on Monday November 12. 1888. - That at the said sale D.G. Sterling, became the purchaser thereof at the price $905- that being the highest bid offered. - But the said D.G. Sterling has failed to comply with the terms of the sale and has neither made the Cash payment nor executed his bonds for the deferred instalments of purchase money; but Mary J. Wells the tenant in dower is willing to

become the purchaser of the said land for $905. as of the 12th. November 1888, with the understanding that the commuted value in cash of her dower interest in the said land is to be credited on the cash payment. — Your Commissioner hereby refers the said offer of Mary J. Walls to the Court for action. —

Respectfully submitted,

Robt. E. Prentis, Special Comr.

Martin Walls, Ed'r &c.

Report of
Special Comr.
Dated 30 Jan'y 89.

Arrived Forthwith.

Filed March 2nd 1889
C.H.G. & A. Dc.

To the Circuit Court of Nansemond County:

In pursuance of the decree of the Circuit Court of Nansemond County pronounced on the 10th. day of April 1888 in the cause in Chancery in said Court depending between Martin Wales, Guardian of Mary Savage, Thomas Savage, Minnie Pearl Savage and David Oliver Savage, Complainant, and said Mary Savage, Thomas Savage and others, Defendants; the undersigned, Wilbur J. Kilby, one of the Commissioners in Chancery of said Court to whom the papers in said cause had been referred, respectfully reports to Court that on the 18th. day of July 1888 he gave notice to the parties to said cause that on the 10th. day of August 1888 he would proceed at his office in Suffolk, Va, to make the inquiries, which by said decree a Commissioner of said Court had been directed

to make, as will appear by the notices hereto attached and the endorsations thereon; that on said 10th. day of August 1888 no one of the parties appeared before your Commissioner: that from that day until the 13th. day of September 1888. the proceedings were continued and adjourned from day to day without the appearance of any of the parties: that on said 13th. day of September 1888. the proceedings were closed with the examinations of witnesses whose depositions are hereto attached as part of this Report: that with the testimony of these witnesses before him and upon information derived by your Commissioner from oral inquiries made by him, your Commissioner is enabled to report that the interests of the infant defendants to said cause, to wit, Mary

Savage, Thomas Savage, Minnie Pearl Savage and David O. Savage will be promoted by a sale of the real estate in the Bill in said cause described, and that the rights of no person will be violated by such sale.

Respectfully submitted this 13th. day of September 1888.

Wilbur J. Kilby
Comr. in Chancery

$15.00
Fee of Comr.
W. J. K.

The depositions of Jesse R. Savage and others, taken before Wilbur J. Kilby, Commissioner in Chancery of the Circuit Court of Nansemond County at his office in Suffolk, Virginia; on the 13th. day of September 1888 to be read as evidence in the chancery cause depending in said Court between Martin Walls, Guardian &c Complainant, and Mary Savage and others, Defendants;

Present:

Robt. R. Prentis, Counsel for the Complainant and Peter B. Prentis Guardian ad litem for the infant defendants.

Jesse R. Savage being first duly sworn in answer to questions deposes and says as follows;

1 Q. What is your age, and occupation, where do you reside and do you know the parties to this suit?

Ans. I am 66 years of age, am a farmer, reside in Chauseund County, and I know all the parties to the above cause.

2 Q. Are you acquainted with the real estate in the Bill in this suit described, if so, state whether the interests of the infant defendants, Mary Savage Thomas Savage, Minnie Pearl Savage and David Oliver Savage will be promoted by a sale of the same, or any part of it, and the investment of the proceeds of sale and also state the facts upon which your opinion may be based?

Ans. I know the land and have known it ever since I was a boy. I live about two miles from it now. I think the interests of said Mary Savage, Thomas Savage Minnie Pearl Savage and David Oliver Savage will

be promoted by a sale of the land and the investment of the proceeds for them. The place is going down for want of fences and repairs on the buildings. The out-buildings especially need repairs. I think the place has depreciated at least $200 within the last two years. The land itself is growing poorer & poorer for lack of proper cultivation. ~~Here was but little~~ The children have no means to improve it, or keep up repairs. The proceeds of the sale of land would do them much more good ~~than the land~~, by investment of the same in their education and maintenance, for the land affords them nothing for their support, education & maintenance

3 Q. Do you know whether the rights of any person will be violated by a sale of said land s.

Ans. No person's rights need be violated by the sale. The land cost $700 and should sell for that same now.

And further this defendant says not. Jesse R. Savage,

J. Lloyd Savage being duly sworn deposes and says as follows:

1 Q. What is your age, occupation, where do you reside and do you know the parties to this suit's.

Ans. I am 31 years of age, am a lumberman, reside in Suffolk and know all the parties to the said suit

2 Q. Are you acquainted with the land in the Bill in this suit described, if so, State whether the interests of the infant defendants, Mary Savage, Thomas Savage Minnie Pearl Savage and David Oliver Savage will be promoted by a sale of the same, or any

. . . .

part of it and the investment of the proceeds of sale and also state the facts upon which your opinion may be based and whether the rights of any person will be violated by the sale:

Ans I have known the land all my life and have lived within five miles of it several years I used to cultivate it when my father owned it there. If the money should be properly invested or handled, it must there and used in the education and support of the said infant defendants, I think there can be no question but that a sale of the land would promote the interests of the parties. The parties have no means of support, and the land is depreciating in value and certainly does not produce a sufficient income for their support & education. I suppose

the land in its present condition would not rent for more than $75. a year & that is certainly not enough to support four children & they have no other means. I think the land ought to sell for $1000. & no person's rights would be violated by a sale of it.

And further this defendant says not.

J. L. Savage

Genoa C. Wright being duly sworn in answer to questions deposes and says as follows:

1 Q. What is your age & occupation, where do you reside and do you know the parties to this suit.

Ans. I am 30 years of age, am a farmer and reside in Chautauqua County and I know all the parties to the suit. I am the uncle of the Children of Cornelius J. Savage

2 Q. Are you acquainted with the real estate in the Bill in this suit described, if so, State whether the interests of the infant defendants, Mary Savage, Thomas Savage, Minnie Pearl Savage and David O. Savage will be promoted by a sale of the same, or any part of it and the investment of the proceeds of sale and also state the facts upon which your opinion may be based and whether the rights of any person will be violated by the sale?

Ans. I know the land, and have known it all my life and have been on it frequently and I think the sale of it would be to the interest of said infants. I know it is depreciating in value for want of proper cultivation and repairs and dont think it would rent for more than $75. a year. The parties have no other property & no

income for their support & education. They are now of ~~that~~ such ages as that they ought to be education as far as possible and I am sure the proceeds of the sale of the land could not be invested better than in educating ~~them~~ and clothing them. The land is worth about $1000. and the sale of it would not violate the rights of any person.

And further this defment says not.

G. C. Wright

I, Wilbur J. Kilby, a Commissioner in Chancery of the Circuit Court of Charlemont County in the State of Virginia do hereby certify that the foregoing depositions of Jesse R. Savage, J. Lloyd Savage and Senod C. Wright were duly taken, sworn to and sub-

scribed before me at the time, and place and for the purpose therein mentioned and that the guardian ad litem, Peter B. Prentis, present as specified in said depositions, agreed to the several interrogatories propounded to the several witnesses

Given under my hand this 13th. day of September 1888,

Wilbur J. Kilby,
Comr. in Chancery.

To Martin Walls, Guardian of Mary Savage, Thomas Savage, Minnie Pearl Savage and David Oliver Savage. — — — Complainant

and

Mary Savage (infant); Thomas Savage (infant); Minnie Pearl Savage (infant); David Oliver Savage (infant); ~~and~~ Robert R. Savage; J. Lloyd Savage; Luther S. Savage; James Savage and Martha Savage his wife; William W. Knight and Amanda E. E. Knight his wife; Mitchell Parker and Elizabeth O. Parker his wife; Mamie S. Speight (infant); Rosa O. Speight (infant); and Martin Walls and Mary J. Walls his wife. Defendants.

You are hereby notified that on the 10th. day of August 1888 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 10th. day of April 1888 in the suit in chancery pending in said Court to which you are parties plaintiff and defendants, to wit:

1. An Account showing whether the interests of the infant defendants, Mary Savage, Thomas Savage, Minnie Pearl Savage and David Oliver Savage will be promoted by a sale of the real estate in the Bill in said suit described.

2. An Account showing whether the rights of any person will be violated by such Sale, together with any other matter deemed pertinent by myself or required by any party interested, to be Stated and Reported to Court.

Given under my hand, as Commissioner in Chancery of said Court, this 18th. day of July 1888

WILBUR J. KILBY,

Commissioner in Chancery.

Sufficient and legal service of this notice is hereby accepted and acknowledged by me.

Sign here X R. R. Savage

C. O. Parker.

To Martin Walls, Guardian of Mary Savage Thomas Savage, Minnie Pearl Savage and David Oliver Savage, - - Complainant.

and Mary Savage (infant); Thomas Savage (infant) Minnie Pearl Savage (infant); David Oliver Savage (infant); Robert R. Savage; J. Lloyd Savage; Luther S. Savage; James Savage and Martha Savage his wife; William W. Knight and Amanda E. E. Knight his wife; Mitchell Parker and Elizabeth O. Parker his wife; Maurice S. Speight (infant); Rosa O. Speight (infant); and Martin Walls and Mary J. Walls his wife, Defendants

You are hereby notified that on the 10th. day of August 1888 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 10th. day of April 1888 in the suit in chancery pending in said Court to which you are parties plaintiff and defendants, to wit:

1. An Account showing whether the interests of the infant defendants, Mary Savage, Thomas Savage, Minnie Pearl Savage and David Oliver Savage will be promoted by a sale of the real estate in the Bill in said suit described.

2. An Account showing whether the rights of any person will be violated by such sale, together with any other matter deemed pertinent by myself, or required by any party interested to be stated and reported to the Court.

Given under my hand, as Commissioner in Chancery of said Court, this 18th. day of July 1888

WILBUR J. KILBY,
Commissioner in Chancery.

Sufficient and legal service of this notice is hereby accepted and acknowledged by us severally.

Martin Walls
guardian of Mary Savage
Thomas Savage
Minnie Pearl Savage
and David Oliver Savage
Martin Walls

J. Lloyd Savage

Mary J Walls

Luther Savage

Peter B. Prentis, guardian ad litem for the infant defendants, Mary Savage, Thomas Savage, Minnie Pearl Savage, David Oliver Savage, Maggie S. Knight and Rosa Oliver Knight.

Test

Mitchell Porter

State of Virginia, County of Nansemond, to wit,

This day Martin Walls personally appeared before me and made oath that he executed this notice on James Savage and Martha Savage his wife on the 24th. day of July 1888, and on William H. Knight and Amanda E. E. Knight his wife on the 27th. day of July 1888, by delivering to each of them true copies thereof.-

Given under my hand this 30. day of July 1888.

Robt. R. Prentis,
Commissioner in Chancery
Circuit Court Nansemond County.

Walls. Gdn. etc.

vs. } In Chy.

Savage & als.

Report under
decree of 10th.
April 1888.

15

1888. Septr. 15th. Filed
clk.

COMMISSIONER'S SALE

—OF THE—

CORNELIUS F. SAVAGE FARM!

By authority of a decree of the Circuit Court of Nansemond county, pronounced on the 10th day of October, 1888, I shall offer for sale at public auction, in front of the Courthouse door of Nansemond county,

On Monday, November 12, 1888,

(that being County Court day), that certain tract or parcel of land, which is said to contain about 196 acres, adjoining the lands of R. Frank Rogers, Timothy Pierce, Alexander Mack, Joseph Rawls and Emeline E. Rabey.

There is a dwelling sufficient to accommodate an ordinary family, the necessary outbuildings and good water on the farm. It lies between the Suffolk Lumber Company's railroad and the proposed line of the Chowan and Southern railroad, and shipping points are conveniently near. Possession given 1st of January, 1889.

TERMS OF SALE:

One-third of the purchase money will be required in cash, and the residue in three equal instalments in one, two and three years from the day of sale; the deferred payments to be evidenced by the bonds of the purchaser, bearing interest from the day of sale, the title to be retained as ultimate security. Or, if the purchaser elect to do so, he may pay the whole purchase money in cash.

ROB. R. PRENTIS,
Special Commissioner.

I, PETER B. PRENTIS, Clerk of the Circuit Court of Nansemond county, Virginia, do hereby certify that the above-named Special Commissioner, ROBERT R. PRENTIS, Esq., has given the bond required by the decree authorizing the sale, with security deemed sufficient by me.

Given under my hand this 16th day of October, 1888.

PETER B. PRENTIS, CLERK.

4) 73 1/2 / 18 4 / 11 9. 6 0 / 2 0 / 1 1 / 2 0 / 3 1/2 . 7 5 / 3 0 / 2 0 / 2 1/2 / 3 7 / 1 / 2 / 3 / 2 4 / 1 8 / 3 0 / 7 3 5 / 3 0 / 1 8 / 5 2 / 3 0 / 3 0 / 3 0

COMMISSIONER'S SALE

—OF THE—

CORNELIUS F. SAVAGE FARM!

By authority of a decree of the Circuit Court of Nansemond county, pronounced on the 10th day of October, 1888, I shall offer for sale at public auction, in front of the Courthouse door of Nansemond county,

On Monday, November 12, 1888,

(that being County Court day), that certain tract or parcel of land, which is said to contain about 196 acres, adjoining the lands of R. Frank Rogers, Timothy Pierce, Alexander Mack, Joseph Rawls and Emeline E. Rabey.

There is a dwelling sufficient to accommodate an ordinary family, the necessary outbuildings and good water on the farm. It lies between the Suffolk Lumber Company's railroad and the proposed line of the Chowan and Southern railroad, and shipping points are conveniently near. Possession given 1st of January, 1889.

TERMS OF SALE:

One-third of the purchase money will be required in cash, and the residue in three equal instalments in one, two and three years from the day of sale; the deferred payments to be evidenced by the bonds of the purchaser, bearing interest from the day of sale, the title to be retained as ultimate security. Or, if the purchaser elect to do so, he may pay the whole purchase money in cash.

ROB. R. PRENTIS,
Special Commissioner.

I, PETER B. PRENTIS, Clerk of the Circuit Court of Nansemond county, Virginia, do hereby certify that the above-named Special Commissioner, ROBERT R. PRENTIS, Esq., has given the bond required by the decree authorizing the sale, with security deemed sufficient by me.

Given under my hand this 16th day of October, 1888.

PETER B. PRENTIS, CLERK.

1277
10
12
28
1327

20
1.73
13.27

Circuit Court of Nansemond County.

Martin Walls Guardian &c.

vs.

Mary Savage et als.

This cause came on this day to be further heard on the papers formerly read and upon the report of Robert R. Prentis Special Commissioner, dated the 20th. day of May 1890, and filed on the 19th day of September 1890, showing the collection and disbursements of the balance of the purchase money for the land sold under decrees heretofore pronounced in this cause, and that the said land has been conveyed by the said Special Commissioner to Mary J. Walls the purchaser thereof--to which report no exceptions have been taken, and was argued by counsel.

On consideration whereof the Court doth in all respects ratify, approve and confirm the said report and the disbursement of the proceeds of the sale of the said land in the payment of the costs of suit and the expenses of sale and to Martin Walls the Guardian of Minnie Pearl Savage, Thomas Savage and David Oliver Savage as therein reported, and the said Special Commissioner is relieved from all further responsibility on account of such proceeds of sale.

Martin Walls, Gdn.

v. Decree

Savage &c.

Enter Octo. 16 1890.

CMPL

Entered: Chancery
order book No 2
Page 345.
5

Martin Walls Guardian &c

vs.

Mary Savage, ~~infant~~ &c.

This cause came on this day to be further heard upon the papers formerly read and upon the report of Robert R. Prentis, Special Commissioner, which report is dated and was filed the 30th. day of September 1889, to which no exceptions have been taken, and was argued by counsel:

On consideration whereof the Court doth in all respects ratify, approve and confirm the said report, and the sale of the land in the bill described to Mary J. Walls, therein reported, is also ratified, approved and confirmed. - Leave is given the said Mary J. Walls to anticipate the payment of her bonds for the deferred instalments of purchase money for the said land, and so soon as she shall have paid the same it is adjudged ordered and decreed that Robert R. Prentis who is hereby appointed a Special Commissioner for the purpose, do convey the real estate in the bill described to her by deed with special warranty.-

And it appearing to the Court that the infant defendant Minnie Pearl Savage has departed this life, leaving no other estate for the payment of necessary expenses for maintenance, medical attention and funeral expense except her interest in the proceeds of sale of such real estate, and that such debts are still unpaid, it is therefore adjudged, ordered and decreed that the said Special Commissioner do pay the share of the said Minnie Pearl Savage to Martin Walls her Guardian, who is directed to expend the principal thereof in the payment of the said debts for funeral expenses, medical attention and maintenance of the said Minnie Pearl Savage. -

The Court doth further adjudge, order and decree that the said Special Commissioner do pay to Martin Walls the Guardian of Thomas Savage and David Oliver Savage their respective shares of the proceeds of such sale, and the said Guardian is hereby authorised and directed to expend the principal thereof in their maintenance and support. -

And the said Special Commissioner shall report his proceedings under this decree to Court.-

And ~~the~~ ~~said~~ this cause is referred to one of the Commissioners of this Court who is directed to take, state and report to this Court an account of the transactions of the said Martin Walls Guardian under this decree.- Notice of the time and place of taking the said account need only be served on Martin Walls Guardian, and on Lee Britt Guardian ad litem for the infant defendants.

Martin Walls, Gdw.

v.

Decree

Savage Tr.

Enter Octo 10 1889

C Motion

Entered Chancery Bk
No. 2 p. 28.

Martin Walls Guardian of Mary Savage, Thomas Savage, Minnie Pearl Savage and David Oliver Savage.

v.

Mary Savage (infant); Thomas Savage (infant); Minnie Pearl Savage (infant) and David Oliver Savage (infant); Robt R. Savage; J. Lloyd Savage; Luther S. Savage; James Savage and Martha Savage his wife; William H. Knight and Amanda E. E. Knight his wife; Mitchell Parker and Elizabeth O. Parker his wife; Mamie S. Speight (infant); Rosa O. Speight (infant) and Martin Walls and Mary J. Walls his wife. -

This cause, which has been regularly matured and set for hearing at rules according to law, came on this day to be heard upon the Bill and the exhibit therewith filed, taken for ~~for~~ confessed as to the defendants Robert R. Savage, J. Lloyd Savage, Luther S. Savage, James Savage and Martha Savage his wife, William H. Knight and Amanda E. E. Knight his wife, Mitchell Parker and Elizabeth O. Parker his wife, on whom process has been duly served and they still failing to appear and plead, answer or demur; upon the answers of the defendants Mary

Savage, Thomas Savage, Minnie Pearl Savage, David Oliver Savage, Mamie S. Speight and Rosa O. Speight, by Peter B. Prentis their guardian ad litem duly assigned at Rules to defend them in this suit; the answer of the said Peter B. Prentis guardian ad litem for the said infant defendants: the answer of Mary Savage, an infant over fourteen years of age, on oath in proper person; the answer of Thomas Savage, an infant over fourteen years of age, on oath in proper person: and the answer of Martin Walls and Mary J. Walls his wife, with general replication to all of the said answers, and was argued by counsel.—

On consideration whereof the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court who is directed to enquire into and report to the Court

1. Whether the interests of the infant defendants Mary Savage, Thomas Savage, Minnie Pearl Savage, and David Oliver Savage, ~~Mamie S. Speight~~ will be promoted by a sale of the real estate in the bill described.—
2. Whether the rights of any person

will be violated by such sale, - together with any other matter deemed pertinent by the Commissioner, or required by any party interested to be stated and reported to the Court. —

Martin Walls, Guardian

v.

Decree

Mary Savage
& others.

Enter 10th April 1888

C Mohr

Take accts 10 Aug.

Entered Chy Order Book
No 2. P 186.

Martin Walls Guardian and others -

v.

Mary Savage (infant); Thomas Savage (infant); Minnie Pearl Savage (infant); and David Oliver Savage (infant) and others. -

This cause came on this day to be heard on the papers formerly read and on the report of Commissioner Wilbur J. Kilby dated the 13th. day of September 1888 and filed on the 15th. day of September 1888, to which no exceptions have been taken, and was argued by counsel. -

On consideration whereof it is adjudged, ordered and decreed that the said report be in all respects ratified, approved and confirmed. -

And it appearing that all those who would be the heirs and distributees of the infant defendants if they were dead have been made defendants in this cause, and that all the other provisions of law applicable to the case have been complied with, and it having been clearly shown independently of any admissions in the answers, that the interests of the infants Mary Savage, Thomas Savage, Minnie Pearl Savage and David Oliver Savage will be promoted by

a sale of the real estate in the bill described, and the Court being of opinion that the rights of no person will be violated thereby, doth adjudge order and decree that Robert R. Prentis, who is hereby appointed a Special Commissioner for the purpose, do, after having first advertised the time, place and terms of sale for at least once a week for ~~four successive weeks~~ three successive weeks in some newspaper published in Nansemond County, or in such other manner as he may deem judicious, expose to sale in front of the Court-house door of Nansemond County, on some County Court day at public auction, to the highest bidder, the land in the bill described, of which Cornelius J. Savage died seised and possessed, on the following terms, to wit: one third of the purchase money in Cash and the residue in three equal instalments in one, two and three years from the day of sale, the deferred payments to be evidenced by the bonds of the purchaser bearing interest from the day of sale, the title to be retained as ultimate security. - Or if the purchaser elect to do so, he may pay the whole purchase money in cash. -

The proceeds of such sale the said Special Commissioner, ~~after paying~~

~~the expenses of sale, and the costs of~~
~~this suit, including a fee of~~
~~dollars to Robert R. Prentis, Esq.~~,
shall deposit on interest account in
the Farmers Bank of Nansemond to
the credit of this cause, taking a
certificate of deposit therefor.
But before the said Robert R. Prentis
shall have any authority under this
decree he shall execute before the
Clerk of this Court a bond in
the penalty of $2000.00 with sufficient
security payable to the Commonwealth
of Virginia conditioned for the
faithful performance of his duties
as such Special Commissioner under
this or any future decree that may
be pronounced in this cause. And
he shall make report to Court.

It is further adjudged, ordered
and decreed that this cause be
referred to one of the Commissioners
of this Court, who shall ascertain
and report the commuted fee
simple value in money of Mary
J. Walls' dower interest in the
proceeds of the sale of the said
real estate, together with any other
matter deemed pertinent by himself
or required by any party interested to
be so stated. Notice of the
time and place of making the said

Martin Walls Gdn &c

N. Decree
for Sale &c

Mary Savage &others

Entd 10th Octo. 1888.
Corbett

Entd Chy O.B. No 2
P. 215

Lucy M. Reed by Guardian &c
Peter F. Dunbar
and Robert Dunbar
Plaintiffs
Defendants

Martin Wells Guardian &c

vs.

Mary Savage, infant &c

The death of Peter B. Prentis, Guardian ad litem of the infant defendants, is suggested and Lee Bull Esquire, attorney at law, is ~~assigned~~ appointed Guardian ad litem for the infant defendants Mary Savage, Thomas Savage, Minnie Pearl Savage, David Oliver Savage, Mamie S. Speight and Rosa O. Speight. - Thereupon the said Guardian ad litem filed his answer to the complainants bill, to which answer the complainant replied generally. - And this cause came on to be heard upon the papers formerly read, the said answer and replication, and the report of Robert R. Prentis Special Commissioner, which report is dated and was filed March 30. 1889 to which no exceptions have been taken, and was argued by counsel. - On consideration whereof the Court doth adjudge, order and decree that the said Special Commissioner be and he is hereby authorised to accept the bid

of Mary J. Walls for the land in the bill described, ~~in such sums as to~~ ~~pay~~ that is to say $905. as of the 12th. day of November 1888. one third of the purchase money to be paid in cash and the residue in three equal instalments in one two and three years from the 12th. day of ~~said~~ November 1888. the deferred payments to be evidenced by the bonds of the purchaser bearing interest from the 12th. day of November 1888; and the commuted value of said Mary J. Walls' dower interest in the said land is to be credited on the Cash payment. — And the said Special Commissioner shall make report to Court. —

Martin Walls, Gdw. &c.

vs.

Deeree

Mary Savage &c.

Entered 10th April 1889

C. B. Dodd

Entered Chancery
Order Book No. 2
Page 252.

The Answer of Martin Walls and Mary J Walls his wife to a bill of complaint exhibited against them and others by Martin Walls Guardian of Mary Savage, Thomas Savage, Minnie Pearl Savage and David Oliver Savage in the Circuit Court of Nansemond County.

These respondents reserving to themselves the benefit of all just exceptions to the said bill, for answer to so much thereof as they are advised that it is material they should answer, answer and say,

That the allegations of the bill are true.-

As the widow of Cruchus F. Savage respondent Mary J. Walls is entitled in dower of the real estate in the bill described, she consents that the sale shall take place as prayed for on condition that the Court will protect her interests. She hereby elects to commute her dower and take the same in money, the amount to be ascertained in accordance with the Statute in such case made and provided.-

And having answered pray

to be hence dismissed with their reasonable costs in this behalf expended. —

Martin J Walls
Mary J Walls

State of Virginia,
County of Nansemond, to wit:
This day Martin Walls and Mary J Walls, his wife personally appeared before me and made oath that the statements contained in the foregoing answer are true —
Given under my hand this 25th day of Feb: 1888 —

H. W. Rawls J.P.

Answer of
Martin J Walls and
Mary J. Walls
to Bill of
W. Walls Guardian

The Answer of Mary Savage Thomas Savage Minnie Pearl Savage David Oliver Savage Mamie S. Speight and Rosa O. Speight, infants under the age of twenty-one years by Peter B. Dennis their guardian ad litem assigned to defend them in this suit, to a bill of complaint exhibited against them and others in the Circuit Court of Nansemond County by Martin Wells Guardian of Mary Savage Thomas Savage Minnie Pearl Savage and David Oliver Savage:

These respondents reserving to themselves the benefit of all just exceptions to the said bill for answer to so much thereof as they are advised that it is material they should answer, answer and say:

That they are all infants of tender years, and by reason of their infancy they are incapable of understanding or of taking care of their rights and interests. They therefore commend themselves and their

rights and interests to the protection of the Court, and they pray that no decree may be pronounced which will tend to their prejudice.

And having fully answered pray to be hence dismissed with their reasonable costs in this behalf expended. -

Peter B. Prentis,
Edward Lilley

State of Virginia,
County of Nansemond, to wit,

This day Peter B. Prentis, personally appeared before me and made oath that the statements contained in the foregoing answer are true. -

Given under my hand this 3rd day of October 1887. -

Rob. D. Prentis,
Commissioner in Chancery.

Answer of
Infant Defendants
by Peter B. Prentis
Gdn. ad litem

to Bill of
Martin Walls, Gdn.

The separate answer of Thomas Savage an infant over fourteen years of age, in his own proper person to a bill of complaint exhibited against him and others by Martin Walls Guardian of Mary Savage, Thomas Savage, Minnie Pearl Savage and David Oliver Savage in the Circuit Court of Nansemond County. -

This respondent reserving to himself the right of all just exceptions to the said bill, for answer to so much thereof as he is advised that it is material he should answer, answers and says:

That so far as he is informed and believes all of the allegations of the bill are true and he believes that the interests of himself and of his sisters Mary and Minnie Pearl Savage and his brother David Oliver Savage will be promoted by a sale of the land in the bill described and the expenditure of the proceeds of such sale in the maintenance and support of the said infants. -

And having fully answered prays to be hence dismissed with his reasonable costs in this behalf expended. Thom Savage

State of Virginia
County of Nansemond, to wit:

This day Thomas Savage personally appeared before me and made oath that the statements contained in the foregoing answer are true. –

Given under my hand this 27 day of September 1884. –

Rob. R. Travis,
Commissioner in Chancery of
the Circuit Court of Nansemond County.

Answer of
Thos. Savage (infant)
to Bill of
Martin Wall, Guardian

The separate answer of Mary ~~Walls~~ Savage an infant over fourteen years of age in her proper person to a bill of complaint exhibited against her and others by Martin Walls Guardian of said Mary Savage, Thomas Savage, Minnie Pearl Savage and David Oliver Savage in the Circuit Court of Nansemond County. -

This respondent reserving to herself the right of all just exceptions to the said bill, for answer to so much thereof as she is advised that it is material she should answer, answers and says:

That so far as she is informed and believes all of the allegations of the bill are true, and she believes that the interests of the infants, herself and her brothers Thomas and David Oliver, and her sister Minnie Pearl will be promoted by a sale as prayed for in the bill, and the expenditure of the proceeds of such sale in the maintenance and support of the said infants. —

And having fully answered prays to be hence dismissed with her reasonable costs in this behalf expended. —

Mary Savage

State of Virginia,
County of Nansemond, to wit:

This day Mary Savage personally appeared before me and made oath that the statements contained in the foregoing answer are true.—

Given under my hand this 27 day of September 1887.—

Rob. N. Prentis,
Commissioner in Chancery
Circuit Court of Nansemond County.

Answer of
Mary Savage (infant)
to Bill of
Martin Walls, Executor

The Answer of Lee Britt Attorney at law, the Guardian ad litem of Mary Savage, Thomas Savage, Minnie Pearl Savage, David Oliver Savage, Mamie S Speight and Rosa O Speight infants under the age of twenty-one years, assigned to defend them in this suit, to a bill of complaint exhibited against them and others in the Circuit Court of Nansemond County, by Martin Walls Guardian of Mary Savage, Thomas Savage, Minnie Pearl Savage and David Oliver Savage:

This respondent reserving to himself the benefit of all just exceptions to the said bill for answer to so much thereof as he is advised that it is material he should answer, answers and says:

That the said Mary Savage, Thomas Savage, Minnie Pearl Savage David Oliver Savage, Mamie S Speight, and Rosa O Speight are infants of tender years, and by reason of their infancy they are incapable of understanding or of taking care of their rights and interests.-

He therefore commends the said infants

and their rights and interests to the protection of the Court and prays that no decree may be pronounced which will tend to their prejudice. -

And having fully answered the said respondent prays to be hence dismissed with his reasonable costs in this behalf expended. -

Lee Britt
Guardian ad Litem

State of Virginia,
County of Vanderwood, to wit:

This day Lee Britt personally appeared before me and made oath that the statements contained in the foregoing answer are true to the best of his knowledge, information and belief. -

Given under my hand this 10th. day of April 1889. -

Robt. A. Willis,
Commissioner in Chancery. -

Answer of
Lee Britt

Gdn. ad litem

to Bill of

Martin Walls, Gdn.

Filed April 10th 1889.
C.H.C. Jr. D.C.

The Answer of Peter B. Prentis, the Guardian ad litem of Mary Savage, Thomas Savage, Minnie Pearl Savage, David Oliver Savage, Mamie S. Speight and Rosa O. Speight infants under the age of twenty one years, assigned to defend them in this suit, to a bill of complaint exhibited against them and others in the Circuit Court of Nansemond County, by Martin Walls Guardian of Mary Savage, Thomas Savage, Minnie Pearl Savage and David Oliver Savage:

This respondent reserving to himself the benefit of all just exceptions to the said bill for answer to so much thereof as he is advised that it is material he should answer, answers and says:

That the said Mary Savage, Thomas Savage, Minnie Pearl Savage David Oliver Savage, Mamie S. Speight and Rosa O. Speight are infants of tender years, and by reason of their infancy they are incapable of understanding or of taking care of their rights and interests. He therefore commends the said infants and their rights and interests

to the protection of the Court, and prays that no decree may be pronounced which will tend to their prejudice.-

And having fully answered the said respondent prays to be hence dismissed with his reasonable costs in this behalf expended.-

Peter B. Prentis,
Respondent

State of Virginia,
County of Nansemond, to wit:

This day Peter B. Prentis personally appeared before me and made oath that the statements contained in the foregoing answer are true.-

Given under my hand this 3rd. day of October 1887.-

Robt. R. Prentis,
Commissioner in Chancery.-

Answer of
Peter B. Prentis
Gdw. ad litem
to Bill of
Martin Walls Gdw.

At a monthly Court held for Nansemond County the 14th: day of December 1885.
The Court appoint Martin Walls Guardian of mary J., Thomas W., m. Pearl and David O. Savage, orphans of Cornelius F. Savage deceased, and thereupon the said Martin Walls entered into a Bond in the penalty of four hundred dollars, conditioned according to law, with Luther S. Savage his surety therein, who justified on oath as to his sufficiency and which said Bond being acknowledged by the Obligors therein is ordered to be recorded.

A Copy ~ Teste:

Peter B. Prentis. Clerk

Exhibit No. 1.
with Bill of
Martin Walls Dowe

Savage D.

Martin Walls Guardian of Mary Savage, Thomas Savage, Minnie Pearl Savage and David Oliver Savage

v.

Mary Savage (infant) Thomas Savage (infant), Minnie Pearl Savage (infant), David Oliver Savage (infant), Robert R Savage, J. Lloyd Savage, Luther S Savage, James Savage and Martha Savage his wife, William W. Knight and Amanda E. Knight his wife, Mitchell Parker and Elizabeth O. Parker his wife, Mamie S. Speight (infant) ~~and~~ Rosa O. Speight (infant) and Martin Walls and Mary J. Walls his wife.

To the Honorable Chandler W. Hill Judge of the Circuit Court of Nansemond County.

The complainant Martin Walls Guardian of Mary Savage, Thomas Savage, Minnie Pearl Savage and David Oliver Savage respectfully represents to the Court

That by an order of the County Court of Nansemond County entered

on the 14th. day of December 1885 he was appointed and on the same day qualified as the Guardian of Mary Thomas Minnie Pearl and David Otis Savage infant children of Cornelius F. Savage deceased.- (A copy of the said order is herewith filed marked Exhibit No. 1. and complainant prays that it may be read as a part of this Bill.)-

That the whole of the personal estate of the said infants has been expended in their support and maintenance, and the only property which they now own is a certain tract of land lying in Cypress District Pasquotank County of which the said Cornelius F. Savage died seised and possessed which is said to contain about 196 acres and adjoins the lands of R. Frank Rogers, Timothy Pierce, Alexander Mack, Joseph Walls and Eveline E. Raby.- The said tract of land is owned by the said infants as the only heirs at law of Cornelius F. Savage subject to the dower of their mother Mary J. Walls, widow of Cornelius F. Savage.

who since the death of the said Savage has become the wife of Martin Walls.
That the rent derived from the said farm is wholly insufficient for their support, and that their interests will be very greatly promoted by a sale of their interests in the said land and the expenditure of the proceeds of the sale in their maintenance, indeed the complainant avers that unless the said land is sold they will be entirely dependent upon the bounty of their friends - none of whom are financially able to assume such a burden. -
That the said Mary Savage is now 19 ~~~ years of age. -
That the said Thomas Savage is now 16 ~~~ years of age. -
That the said Minnie Pearl Savage is now 13 ~~~ years of age, and
That the said David Oliver Savage is now about 9 years of age. -
That Robert R. Savage, Lloyd Savage, Luther S. Savage, James Savage and Martha his wife, William H. Knight and Amanda E. Knight his

wife Mitchell Parker and Elizabeth O. Parker his wife, Minnie S. Speight and Rosa O. Speight (the last two of whom are infants under the age of twenty-one years) would be the heirs at law of the said infants Mary Thomas, Minnie Pearl and David Oliver Savage, if they were dead.—

Inasmuch therefore as the complainant is without remedy save in a Court of equity where such matters are properly cognizable and relievable he prays that the said Mary Savage (infant) Thomas Savage (infant) Minnie Pearl Savage (infant) David Oliver Savage (infant), Robert R. Savage J. Lloyd Savage, Luther S. Savage James Savage and Martha Savage his wife William W. Knight and Amanda E. E. Knight his wife, Mitchell Parker and Elizabeth O. Parker his wife, Minnie S. Speight (infant) Rosa O. Speight (infant) Martin Walls and Mary J. Walls his wife) may be made parties defendant to this bill and required to answer the same on oath; that

guardian ad litem may be assigned by this Court to the infant defendants in order to defend them in this suit; that the interests of his said wards in the said real Estate may be sold under decree of this Court; that he may be authorised to expend the principal of the fund arising from the said sale in the maintenance of his said wards; that all proper accounts may be taken by one of the Master Commissioners of this Court, and for such other further and general relief as the nature of the cause may require and the principles of equity justify. -

Complainant alleges and notice is hereby given that application will be made to the Court for the allowance of a reasonable attorneys fee out of the property or money under the control of the Court in this cause, to the counsel instituting and conducting this suit. And complainant will &c pray &c. - Let a Subpoena go &c. -

Robt. A. Pleasants p.q. Martin Walls
guardian

State of Virginia,
County of Nansemond, to wit

This day Martin Walls personally appeared before me and made oath that the matters of fact allyed in the foregoing bill in chancery, ~~so far as the same of this own knowledge~~ are true, ~~so far as made from that~~ ~~information derived from other~~ ~~persons that he believes them to be true.~~

Given under my hand this 1st. day of September 1887. —

Robt. Prentis
Commissioner in Chancery
Circuit Court of
Nansemond County. —

Cir. Ct. Chy. Prentis

Martin Walls Gdn.

v. Bill and Exhibit -

Mary Savage
& others.

Martin Walls, Gdn: &c

vs } Chy: Notes

Mary Savage & al: infants, and Robert R. Savage & al:

1887. Aug: 29th: Sum.s in Chy: issued to Sepr: Rules. 1887

" Sepr: 5th: Bill & Exhibit No 1 filed

R. R. Prentis Esq.

Martin Walls Gdr &c

vs

In Chancery

Mary Savage & Others

1909

July 16th

Final Decree