

1911-007
Nansemond Co (Suffolk)

Chancery Causes: William A. Wagner & wife et al vs Charles L. Wagner et al

Williams, Wright, Peck, Eberwine, Doughtie

Low Coleman pg

Wm A Wagner & Co

Wm Chancery

Charles L Wagner & Co

1911

Costs

Clerk ---	\$ 9.03
Writ Tax	1.50
Sheriff	1.00
Seal & Notary New	1.00
Attorney	15.00
	\$ 27.53

William A. Wagner to them
vs } In Chancery
Charles L. Wagner to them.

Costs

R.R. Smith clerk	pd	\$ 9.03
Writ Tax	pd	1.50
Sheriff of Nansemond	pd.	1.00
Sergt-Newport News	pd	1.00
Attorney		15.00
		\$ 27.53

The above is the cost at this time.
All decrees hereafter will be 36¢.

Yours very Truly

W. G. Gomer D.C.

Nov 17th 1908,

Dec 14th 1908

Costs,

Wm A. Wagner rals.

72 } Chaney

Chas. S. Wagner rals.

**IN THE CIRCUIT OF NANSEMOND
COUNTY.**

William A. Wagner and Alice R. Wagner, his wife, Thomas H. Wagner, Grace W. Williams and Howard H. Williams, her husband.

Plaintiffs.

VS. In Chancery.

Charles L. Wagner, Leila M. Wagner, James H. Wagner and Ada McVicker Wagner, his wife, Edward M. Wagner, John Wagner, Jefferson A. Wagner. James Bruce Wagner, the last three infants under twenty-one years of age.

Defendants.

IN CHANCERY.

The object of this suit is to have made partition of the real estate of which James Wagner, deceased, died seised and possessed, situate in Nansemond County, Virginia, and elsewhere in Virginia. It appearing by affidavit that the said James H. Wagner and Edward M. Wagner are not residents of this state, it is htereore ordered that the said James H. Wagner and Edward M. Wagner appear within fifteen (15) days after due publication of this notice in the Clerk's Office of our said Court and do what is necessary to protect their interests. C. W. Coleman, pq.

R. R. SMITH, Clerk.

A. P. GOMER, D. C.

A Copy Teste:

R. R. SMITH, Clerk.

A. P. GOMER, D. C.

4t.

Office of SUFFOLK HERALD.

SUFFOLK, VA., July 24 1908

*I hereby certify that the order of which the annexed is a
copy has been published in THE SUFFOLK HERALD in the
manner prescribed by law---once a week for four successive weeks.*

beginning May 22 ----- *and ending*

June 12/1908 -----

WJ Kendrick -----

Editor Herald

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

William A. Wagner and Alice R.
Wagner, his wife, Thomas H. Wagner,
Grace W. Williams and Howard H.
Williams, her husband.

PLAINTIFFS.

VS.) In Chancery.

Charles L. Wagner, Lelia M. Wagner,
James H. Wagner and Ada McVicker
Wagner, his wife, Edward M. Wagner,
John Wagner, Jefferson A. Wagner, James ~~Wagner~~
Bruce Wagner, the last three infants
under twenty-one years of age.

DEFENDANTS.

IN CHANCERY.

The object of this suit is to have made partition of the real estate of which James Wagner, deceased, died seised and possessed, situate in Nansemond County, Virginia, and elsewhere in Virginia. It appearing by affidavit that the said James H. Wagner and Edward M. Wagner are not residents of this state, it is therefore ordered that the said James H. Wagner and Edward M. Wagner appear within fifteen (15) days after due publication of this notice in the Clerk's office of our said Court and do what is necessary to protect their interests.

C. W. Coleman / pg

R. R. Smith Clerk
R. H. Gomer D.C.

*Passed at Court house do
May 15th 1908*

Order of
Publication

Wm. A. Wagner & als.

vs } In Chancery

Chas. L. Wagner & als.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

William A. Wagner and Alice R. Wagner,
his wife, Thomas H. Wagner, Grace W.
Williams and Howard H. Williams,
her husband.

Plaintiffs.

VS. In Chancery.

Charles L. Wagner, Lelia M. Wagner,
James H. Wagner and Ada McVicker
Wagner, his wife, Edward M. Wagner,
John Wagner, Jefferson A. Wagner,
James Bruce Wagner, the last three
infants under twenty-one years of age.

Defendants.

IN CHANCERY.

The object of this suit is to have made partition of
the real estate of which James Wagner, deceased, died seised
and possessed, situate in Nansemond County, Virginia, and
elsewhere in Virginia. It appearing by affidavit that the
said James H. Wagner and Edward M. Wagner are not residents
of this state, it is therefore ordered that the said James
H. Wagner and Edward M. Wagner appear within fifteen (15)
days after due publication of this notice in the Clerk's
Office of our said Court and do what is necessary to protect
their interests.

C. W. Coleman Jr.

R. R. Smith Clerk
J. A. P. Gomer D.C.

A copy Teste:

R. R. Smith Clerk

J. A. P. Gomer D.C.

*I A. P. Gomer Deputy Clerk of the Circuit Court of Nansemond Co. do Certify that the above
Order of Publication was posted on the Court House
door on May the 15th and remain until June 2nd.*

A. P. Gomer D.C.

Wagner
25

Wagner
Order of
Publication

1897

1898

1899

1900

1901

1902

1903

1904

1905

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE *Sergeant of the City of Newport News Va*
~~SHERIFF OF NANSEMOND COUNTY~~—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Charles L. Wagner, Lelia M.

Wagner, James H. Wagner and Ada McVicker Wagner, his wife, Edward M.

Wagner, John Wagner, Jefferson Wagner, James Bruce Wagner, the last
three infants under twenty-one years of age.

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 May, 1908., to answer

a Bill in Chancery, exhibited against them
in the said Court by William A. Wagner and Alice R. Wagner, his wife, Thomas
H. Wagner, Grace W. Williams and Howard H. Williams, her husband.

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 12th day of
May, 1908, in the 132nd year of the Commonwealth.

A copy—Teste :

Teste :

CLERK. }

CLERK.

R R Smith
Pyce & Gomez & Co

Chas. Coleman, p. q.

William A. Wagner &
others.

VS. } IN CHANCERY.

Charles F. Wagner &
others.

1908

May Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 53

Executed this the 18th
day of May 1908
by delivering a true
copy of the within
summons to Ada McVean
Wagner and James Bruce
Wagner in person

EW Milledale Sergeant
City of New York News.

7u 100 P^d

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Charles L. Wagner, Lelia M. Wagner, James H. Wagner and Ada McVieker Wagner, his wife, Edward M. Wagner, John Wagner, Jefferson Wagner, James Bruce Wagner, the last three infants under twenty-one years of age.

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 May, 1908, to answer a Bill in Chancery, exhibited against them in the said Court by William A. Wagner and Alice R. Wagner, his wife, Thomas H. Wagner, Grace W. Williams and Howard H. Williams, her husband.

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 12th day of May, 1908, in the 132nd year of the Commonwealth.

A copy.—Teste :

Teste :

_____, CLERK. }

_____, CLERK.

R R Smith
By J P Lomeys

C. W. Coleman, p. q.

William A. Wagner &
others.

VS. } IN CHANCERY.

Charles L. Wagner &
others.

1908.

May Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 53

We certify that
this is a true and
correct copy of the
original as the same
was filed in the
Nansemond Circuit Court
at Norfolk, Virginia
on the 14th day of May 1908

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Charles L. Wagner, Lelia M. Wagner, James H. Wagner and Ada McVicker Wagner, his wife, Edward M. Wagner, John Wagner, Jefferson Wagner, James Bruce Wagner, the last three infants under twenty-one years of age,

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 May, 1908, to answer a Bill in Chancery, exhibited against them in the said Court by William A. Wagner and Alice R. Wagner, his wife, Thomas H. Wagner, Grace W. Williams and Howard H. Williams, her husband.

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 12th day of May, 1908, in the 132nd year of the Commonwealth.

A copy Teste :

R R Smith, CLERK.
R. A. Gomey, S.C.

Teste :

R R Smith, CLERK.
R. A. Gomey, S.C.

C. W. Coleman, p. q.

A Copy for

VS. } IN CHANCERY.

John Wagner
Infant

1908.

May Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. *2*

Page *53*

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Charles L. Wagner, Lelia M. Wagner, James H. Wagner and Ada McVicker Wagner, his wife, Edward M. Wagner, John Wagner, Jefferson Wagner, James Bruce Wagner, the last three infants under twenty-one years of age.

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 May, 1908, to answer a Bill in Chancery, exhibited against them in the said Court by William A. Wagner and Alice R. Wagner, his wife, Thomas H. Wagner, Grace W. Williams and Howard H. Williams, her husband.

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 12th day of May, 1908, in the 132nd year of the Commonwealth.

A copy—Teste :

Teste :

R R Smith, CLERK. }
R C Gomez

R R Smith, CLERK.
R C Gomez

C. W. Coleman, p. q.

A Copy for

VS. } IN CHANCERY.

Jefferson Wagner
Infant

1908

May Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 52

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Charles L. Wagner, Lelia M.

Wagner, James H. Wagner and Ada McVicker Wagner, his wife, Edward M.

Wagner, John Wagner, Jefferson Wagner, James Bruce Wagner, the last
three infants under twenty-one years of age.

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 May, 1908, to answer

a Bill in Chancery, exhibited against them
in the said Court by William A. Wagner, and Alice R. Wagner, his wife, Thomas
H. Wagner, Grace W. Williams and Howard H. Williams, her husband.

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 12th day of
May, 1908, in the 132nd year of the Commonwealth.

A copy—Teste :

Teste :

R R Smith, CLERK. }

R R Smith, CLERK. }

Ry A Gomez & Co

Ry A Gomez & Co

C. W. Coleman....., p. q.

A Copy for

vs. } IN CHANCERY.

Edward M. Wagner
Non-Resident

1908

May Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 2

Page 52

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Charles L. Wagner, Lelia M.
Wagner, James H. Wagner and Ada McVicker Wagner, his wife, Edward M.
Wagner, John Wagner, Jefferson Wagner, James Bruce Wagner, the last
three infants under twenty-one years of age.

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 May, 1908, to answer
a Bill in Chancery, exhibited against them
in the said Court by William A. Wagner, and Alice R. Wagner, his wife, Thomas
H. Wagner, Grace W. Williams and Howard H. Williams, her husband.

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 12th day of
May, 1908, in the 132nd year of the Commonwealth.

A copy.—Teste:

R R Smith, CLERK. }
R. A. Gomez & Co

Teste:

R R Smith, CLERK.
R. A. Gomez & Co

C. W. Coleman....., p. q.

A Copy for

VS.

} IN CHANCERY.

James H. Wagner
Now Resident

1908:

May.....Rules.

Third.....Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. *3*.....

Page *52*.....

COMMISSIONER'S SALE of VALUABLE TRUCK FARM
NEAR DRIVERS, HANSEMOND COUNTY, VA.

Pursuant to a decree of the circuit court of Hansemond County, Virginia, ^{pronounced} ~~entered~~ on the ^{11th} ~~eleventh~~ day of September, 1908, in a certain suit in chancery therein pending, in which ~~Mr.~~ William A. Wagner et als are plaintiffs, and Charles L. Wagner et als are defendants, the undersigned special commissioner will offer for sale (subject to confirmation by the court) at public auction on the premises, to-wit: on the farm of the late James Wagner, near drivers, Hansemond county, Virginia, on Tuesday the ^{29th} ~~twenty-ninth~~ day of September, Nineteen Hundred and eight, at ¹¹ ~~eleven~~ o'clock a. m., that certain farm track or parcel of land, situate in Gleepy Hole ^{erial} ~~Magistrate~~ District, Hansemond county, Virginia, on which the late James Wagner recently resided and which contains two hundred and eighty-three (283) acres more or less and is bounded as follows: on the east by the lands formerly owned by John G. Peake, now owned by Brinkley and Doughtie, on the south by the county road leading from Gleepy Hole, now Cartwright's wharf, to Bennett's Pasture, on the south and west by the lands formerly owned by Harvaduke Cartwright, and a part of the Gleepy Hole farm, and on the west and North by the Hansemond river.

TERMS OF SALE: One-third of the purchase price to be paid in cash; one-third to be paid in one year and one-third to be paid in two years. The deferred payments to bear interest at the rate of six percent per annum, to be evidenced by negotiable promissory homestead-waiving notes, made and signed by the purchaser and secured by prior deed of trust on the property sold, the expenses of drawing and recording said deed of trust to be borne by the purchaser, or, at the option of the purchaser, all of the purchase price ~~may~~ may be paid in cash ^{upon} ~~pending~~ confirmation of the sale by the court.

C. M. Coleman

Special Commissioner.

Advertisement -

Wm A. Wagner & als.

ns } In Chancery

Chas. F. Wagner & als.

Wm A Wagner & others
vs In Chancery
Charles L Wagner & others

On motion of the Complainants
by Counsel, Edward E Holland a
discreet and competent Attorney at
Law is hereby appointed guardian
ad litem to John Wagner Jefferson
Wagner and James Bruce Wagner
infant defendants in this cause to
defend their interest in this suit.

A. P. Gomer D.C.

May 15th 1908,

Appointment
of

Guardian ad Litem

Wm A. Wagner sals.

vs } In Chancery

Chas. F. Wagner sals.

Know All Men by These Presents, That we, W. H. Brinkley,
Principal and Virginia Safe Deposit & Trust ~~Company~~ ^{Corporation} Surety by J. T. Withers,
atty in fact

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

to the payment whereof, well and truly to be made to the Commonwealth of Virginia, we bind our-
selves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

And we waive the benefit of our exemption as to this obligation, and also waive any claim or
right to discharge any liability to the Commonwealth arising under this bond, or by virtue of the
office, post or trust herein mentioned, with coupons detached from bonds of said State.

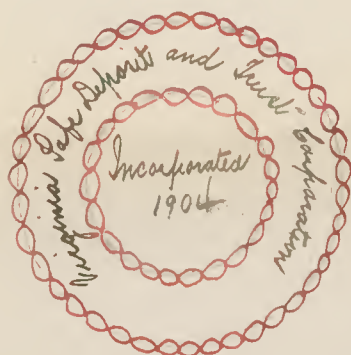
~~Sealed with our seals, and dated this~~ day of ~~in the year~~
~~of our Lord one thousand nine hundred and~~, and in the ~~year of~~
~~the Commonwealth.~~

In Testimony Whereof, the said W. H. Brinkley has
hereto set his hand and seal, and the said Virginia Safe Deposit & Trust Corporation
has caused its corporate name to be hereto signed, and its
corporate seal to be hereto affixed, by J. T. Withers attorney in fact its duly
authorized attorney in fact, this 27th day of January in the year of our
Lord, one thousand nine hundred and nine, and in the 133rd year of the Commonweath.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound
W. H. Brinkley who under a decree of the Circuit Court of Nansemond County
entered in vacation on Nobr. 13th, 1908, in the chancery cause pending of
Wagner against Wagner was appointed Guardian of John Wagner

who has this day qualified before the Clerk of the Circuit Court of Nansemond County as such
Guardian,

shall faithfully discharge the duties of said office, post or trust, then the above obligation to be void,
or else to remain in full force and virtue.



W. H. Brinkley SEAL
Virginia Safe Deposit & Trust Corporation SEAL
by J. T. Withers, atty. in fact SEAL
SEAL
SEAL

VIRGINIA :

In the Clerk's Office of the Circuit Court of Nansemond County, on the 27th day
of January, 1909 :

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

Teste :

Chas. D. C.
C. D. C. Corner, D. C.

A Copy, Teste:

W. H. Brinkley
Esq. } Guardian
The Commonwealth.

Recorded in Official Bond
Book No. 2. Page 110

Copy

Know All Men by These Presents, That we, Charles H. Coleman
Principal and the Virginia Safe Deposit and Trust
Corporation, Surety by J. I. Withers, Atty in fact

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

to the payment whereof, well and truly to be made to the Commonwealth of Virginia, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

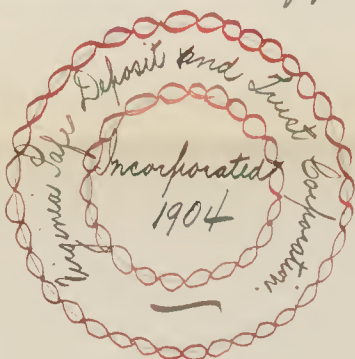
And we waive the benefit of our exemption as to this obligation, and also waive any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of the office, post or trust herein mentioned, with coupons detached from bonds of said State.

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

In Testimony Whereof, the said Charles H. Coleman has
hereto set his hand and seal, and the said Virginia Safe Deposit and
Trust Corporation has caused its corporate name to be hereto signed, and its
by J. I. Withers its atty in fact corporate seal to be hereto affixed, this 15th day of September
Lord, one thousand nine hundred and eight, and in the 133rd year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That ~~if the above bond~~ ^{whereas by}
a decree of the Circuit Court of Nausemond County pronounced in vacation on the 11th day of September 1908, in the chancery cause pending in said court between William A. Wagner and other Complainants and Charles L. Wagner and other Defendants, it was decreed that the real estate of which James Wagner died seized and possessed in the life and proceedings mentioned he sold and that Charles H. Coleman was appointed a Special Commissioner for that purpose.

Now, if the said Charles H. Coleman shall faithfully discharge and perform his duties under said decree and all other decree he may be required to execute in said cause, then the above obligation is to be void, otherwise it is to remain in full force and effect.



Charles H. Coleman SEAL
Virginia Safe Deposit and SEAL
Trust Corporation SEAL
by J. I. Withers, atty-in-fact SEAL
SEAL

VIRGINIA:

In the Clerk's Office of the Circuit Court of Nausemond County, on the 15th day
of September, 1908 :

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

Teste :

A. P. Gomer, D. C.

C. H. Coleman
To } Spee. Comr. Bond.
The Commonwealth.

Sept-15th

Recorded in Official
Bond Book No 2 Page 98

A copy

Know All Men by These Presents, That we, Lelia A. Wagner and
John A. Ashburn

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of
Two Thousand ----- DOLLARS,
to the payment whereof, well and truly to be made to the Commonwealth of Virginia, we bind our-
selves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

And we waive the benefit of our exemption as to this obligation, and also waive any claim or
right to discharge any liability to the Commonwealth arising under this bond, or by virtue of the
office, post or trust herein mentioned, with coupons detached from bonds of said State.

Sealed with our seals, and dated this 18th day of March in the year
of our Lord one thousand nine hundred and nine, and in the 133rd year of
the Commonwealth.

~~In Testimony Whereof, the said~~ ----- has
~~hereto set his hand and seal, and the said~~ -----

~~has caused its corporate name to be hereto signed, and its~~
~~corporate seal to be hereto affixed, by~~ ----- its duly
~~authorized attorney in fact, this~~ ----- day of ----- in the year of our
~~Lord, one thousand nine hundred and~~ -----, and in the ----- year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound
Lelia A. Wagner who under a decree of the Circuit Court of Nansemond County
entered in vacation on November the 13th, 1908, in the chancery cause
pending of Wagner against Wagner, was appointed Guardian of Jefferson A.
Wagner, and

who has this day qualified before the Clerk of the Circuit Court of Nansemond County as such
Guardian,

shall faithfully discharge the duties of said office, post or trust, then the above obligation to be void,
or else to remain in full force and virtue.

Lelia A. Wagner



John A. Ashburn



VIRGINIA :

In the Clerk's Office of the Circuit Court of Nansemond County, on the 18th day
of March -----, 1909 :

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

Teste :

[Handwritten signature]

A Copy, Teste:

.....Lelia A. Wagner.....

To } Guardian Bond

The Commonwealth.

Recorded in Official Bond Book

No. 2, Page 112.

A Copy.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

William A. Wagner et als.

Vs.

Charles L. Wagner et als.

To the Honorable J. L. McLemore, Judge of said Court:-

Mrs. Lelia A. Wagner, the purchaser of the real estate mentioned and described in the bill and proceedings in this cause, desires and has elected to pay cash for the same.

The undivided shares and interests of Wm. A. Wagner, Thos. H. Wagner, Charles L. Wagner, Edward M. Wagner and Grace W. Williams, comprising an undivided five-eighths interest in said real estate, subject to the dower interest of the widow, Mrs. Lelia A. Wagner, have been transferred and conveyed to Mrs. Lelia A. Wagner by the said Wm. A. Wagner and wife, Grace W. Williams and husband, and Thos. H. Wagner, Charles L. Wagner and Edward M. Wagner, unmarried at the time of said conveyance and transfer, as will appear from the petition of the said Lelia A. Wagner herewith filed.

Mrs. Wagner therefore respectfully petitions the Court that the interests of the said Wm. A. Wagner, Thos. H. Wagner, Charles L. Wagner, Edward M. Wagner and Grace W. Williams, in the net proceeds of the real estate, be paid over to her.

Respectfully submitted,

E. M. Coleman,
Special Commissioner

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

William A. Wagner et als.

Vs.

Charles L. Wagner et als.

REPORT OF C. W. COLEMAN,
SPECIAL COMMISSIONER.

1908 Nov. 13th filed
JLM

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

William A. Wagner et als.

vs.

Charles L. Wagner et als.

To the Honorable Judge of said Court.

The undersigned, who was appointed Special Commissioner by a decree in the above cause pronounced on the 11th day of September, 1908, after having given the bond required by said decree, advertised the time, place and terms of sale of the real estate mentioned in said decree in the Norfolk Landmark and the Suffolk Herald, for ten days, and also by handbills, as required by said decree, as is fully shown by a copy of the advertisement herewith filed, and offered for sale on the premises, at public auction, upon the terms prescribed by said decree, the real estate in the bill and proceedings in said cause mentioned, which is described as follows:-

"That certain farm, tract or parcel of land, situate in Sleepy Hole Magisterial District, Nansemond County, Virginia, on which the late James Wagner recently resided, and which contains two hundred and eighty-three (283) acres, more or less, and is bounded as follows: On the East by the lands formerly owned by John G. Peake, now owned by Brinkley and Doughtie; on the South by the County Road leading from Sleepy Hole, now Cartwright's Wharf, to Bennett's Pasture; on the South and West by the lands formerly owned by Marmaduke Cartwright, and a part of the Sleepy Hole Farm, and on the West and North by the Nansemond River."

At this sale the said property was knocked down to Mrs. Lelia A. Wagner for Twelve Thousand and Nine Hundred Dollars (\$12,900), which was the highest bid offered for the same. While this bid is less than the value of the property as ascertained by

Commissioner Withers in his report filed in this cause, your commissioner is satisfied that it is the best price that can be obtained for the property, and recommends that the bid be accepted and the sale be confirmed.

Respectfully,

E. W. Cotterman

Special Commissioner.

G. TAYLOR GWATHMEY,
Trustee.
Wm. H. Land & Company, Auctioneers.
sep11-tds

COMMISSIONER'S SALE OF VAL-
UABLE TRUCK FARM NEAR
DRIVER'S, NANSEMOND
COUNTY, VA.

Pursuant to a decree of the Circuit Court of Nansemond County, Virginia, pronounced on the 11th day of September, 1908, in a certain suit in chancery therein pending, in which William A. Wagner et als are plaintiffs, and Charles L. Wagner et als are defendants, the undersigned special commissioner will offer for sale (subject to confirmation by the court) at public auction on the premises, to-wit: on the farm of the late James Wagner, near Driver's, Nansemond County, Virginia,

ON TUESDAY, THE 29TH DAY OF
SEPTEMBER, NINETEEN HUN-
DRED AND EIGHT, AT 11
O'CLOCK A. M.,

that certain farm, tract or parcel of land, situate in Sleepy Hole Magisterial District, Nansemond County, Virginia, on which the late James Wagner recently resided and which contains two hundred and eighty-three (283) acres, more or less, and is bounded as follows: On the East by the lands formerly owned by John G. Peake, now owned by Brinkley and Doughtie; on the South by the County road leading from Sleepy Hole, now Cartwright's Wharf, to Bennett's Pasture; on the South and West by the lands formerly owned by Marmaduke Cartwright, and a part of the Sleepy Hole farm, and on the West and North by the Nansemond River.

TERMS OF SALE:—One-third of the purchase price to be paid in cash; one-third to be paid in one year, and one-third to be paid in two years. The deferred payments to bear interest at the rate of six per cent. per annum, to be evidenced by negotiable promissory homestead-waiving notes, made and signed by the purchaser and secured by prior deed of trust on the property sold, the expenses of drawing and recording said deed of trust to be borne by the purchaser; or, at the option of the purchaser, all of the purchase price may be paid in cash upon confirmation of the sale by the court.

C. W. COLEMAN,
Special Commissioner.

I, Azra P. Gomer, Deputy Clerk of the Circuit Court of Nansemond County, Virginia, do certify that the bond required of C. W. Coleman, appointed Special Commissioner under the decree of said Court pronounced on the 11th day of September, 1908, in the Chancery cause pending in said court between William A. Wagner and others, complainants, and Charles L. Wagner and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 15th day of September, 1908.

A. P. GOMER, Deputy,
for R. R. SMITH, Clerk.
sep17-tds

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

William A. Wagner et als.

Vs.

Charles L. Wagner et als.

REPORT OF SALE.

*1908. October 14. filed.
J.L.M.*

C. W. COLEMAN
ATTORNEY AT LAW
KIRN BUILDING, PORTSMOUTH, VA.

IN THE CIRCUIT COURT OF HANSELAND COUNTY, *November 13 1908*

William A. Wagner et als.

Vs.

Charles L. Wagner et als.

This cause came on this day to be again heard ^{*in vacation*} upon the papers formerly read and upon the petition of Lelia A. Wagner and the report of Special Commissioner, C. W. Coleman, this day filed by leave of court, to which no exceptions have been taken, and was argued by counsel.

On consideration whereof, the court, without altering in any manner the decree entered in this cause on the 14th day of October, 1908, doth adjudge, order and decree that the said Special Commissioner, after paying the expenses and costs of this suit, including the commissions provided by law and an attorney's fee of *two hundred & fifty dollars*.

 to the attorney who instituted this suit, shall pay over to the persons or parties entitled thereto, their respective shares in the balance of the purchase price of said real estate as follows, to-wit:- to Mrs. Lelia A. Wagner, her commuted dower interest in said real estate, ascertained in the manner provided by law, according to her age, as reported by Commissioner Withers; and it appearing to the court that Mrs. Lelia A. Wagner has acquired the interests and shares of Thos. H. Wagner, Charles L. Wagner, Wm. A. Wagner, Edward M. Wagner and Grace W. Williams in said real estate, it is further ordered that the said Special Commissioner pay to the said Lelia A. Wagner the said shares and interests in the net proceeds of the sale of said real estate remaining after the payments have been made as hereinbefore above directed, deducting from the interest and

share of Thomas H. Wagner and from the interest and share of Charles L. Wagner the liens reported by said Commissioner Withers which said Special Commissioner is directed to pay to the parties entitled thereto; and it further appearing to the court that Mrs. Lelia A. Wagner has qualified as guardian of Jefferson A. Wagner, and that W. H. Brinkley has qualified as guardian of John Wagner, the Special Commissioner is directed to pay to the said Lelia A. Wagner, guardian of Jefferson A. Wagner, and to W. H. Brinkley, guardian of John Wagner, the shares belonging respectively to the said Jefferson A. Wagner and John Wagner in the net proceeds of the said sale, when the said guardians each shall have given bond before this court, or before the clerk thereof, in his office, payable to the Commonwealth of Virginia, in the penalty of \$2000, each *with security to be approved by the said Clerk*, conditioned that the amounts thus received respectively by said *Lelia A. Wagner and W. H. Brinkley* ~~guardians~~ shall be re-invested by them in good real estate security, or in some safe interest-bearing fund for the use and benefit of the said infants, and conditioned further for the proper management and preservation of any property or security in which the said money may be invested, and that each of said guardians shall pay over the money respectively received by her or him to his or her ward when such ward shall have arrived at the age of twenty-one years, and shall have it forthcoming upon the further order of this court, whenever made; and it further appearing to the court that Jas. H. Wagner has not yet been found or located, it is ordered that his interest in the net proceeds of the sale of said real estate shall remain in said Merchants & Farmers Bank until the further order of this court.

The said Commissioner is authorized and directed to withdraw from the papers in this suit the deeds made to Lelia

A. Wagner by Wm. A. Wagner and wife, Charles L. Wagner, Grace W. Williams and husband, Edward M. Wagner, and Thos. H. Wagner, referred to in the petition of Lelia A. Wagner, this day filed in these proceedings, upon filing in said papers copies of said deeds in order that the same may be delivered to Lelia A. Wagner to be recorded.

And the said Commissioner is hereby directed to report his proceedings hereunder to the court.

all which is hereby certified to the Clerk of this Court to be entered in the Chancery order book.

James L. McInerney

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

.....

William A. Wagner et als.

Vs.

Charles L. Wagner et als.

.....

DECREE.

*Entered,
November 13th 1908.
James L. McShore,*

*Entered in Chancery
Order Book No 4
Page 296.*

C. W. COLEMAN

ATTORNEY AT LAW

KIRN BUILDING, PORTSMOUTH, VA.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

William A. Wagner et als.

Vs.

Charles L. Wagner et als.

This cause came on this day to be again heard on the papers formerly read and upon the report of the sale of the real estate made by C. W. Coleman, who was appointed Special Commissioner for that purpose by a decree in this cause pronounced on the 11th day of September, 1908, ^{filed October 14, 1908.} to which report there are no exceptions, ^{upon the written request of Lelia A. Wagner asking that the sale be confirmed, filed October 14, 1908} and was argued by counsel: On consideration whereof, the Court, with the consent in writing of Lelia A. Wagner, the purchaser therein reported, doth approve and confirm said report and said sale.

And the Court doth adjudge, order and decree that when and as soon as the purchaser, Lelia A. Wagner, shall have complied with the terms of the sale, as prescribed in the decree of September 11th in this cause, the said Commissioner shall convey to the said Lelia A. Wagner by good and sufficient deed with special warranty, the real estate in the bill and proceedings mentioned, which is described as follows:- " That certain farm, tract or parcel of land, situate in Sleepy Hole Magisterial District, Nansemond County, Virginia, on which the late James Wagner recently resided, and which contains two hundred and eighty-three (283) acres, more or less, and is bounded as follows:- On the East by the lands formerly owned by John G. Peake, now owned by Brinkley and Doughtie; on the South by the County Road leading from Sleepy Hole, now Cartwright's Wharf, to Bennett's Pasture; on the South and West by the lands formerly owned by Marmaduke Cartwright, and a part of Sleepy Hole Farm, and on the West and North by the Nansemond River."

And the said Commissioner is directed to deposit in the Merchants & Farmers Bank, Portsmouth, Virginia, any money which he may receive in this cause to the credit of this suit, and the said Commissioner is directed to report his proceedings hereunder to the Court.

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

William A. Wagner et als.

Vs.

Charles L. Wagner et als.

DECREE.

CONFIRMING SALE.

Enter, October 14, 1908.

Wm. S. McInnis,

*Entered in Chancery Order
Book No. 4. Page 286.*

C. W. COLEMAN

ATTORNEY AT LAW

KIRN BUILDING, PORTSMOUTH, VA.

Virginia, In vacation

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, *September, 11, 1908.*

William A. Wagner et als.

vs.

Charles L. Wagner et als.

This cause came on this day to be again heard ^{*in vacation*} on the papers formerly read and on the report of Commissioner Robert W. Withers, filed in this cause on the 19th day of August, 1908, to which no exceptions have been taken or filed, and was argued by counsel. On consideration whereof, the court doth confirm said report, and it appearing to the court that the interests of all parties will be promoted by a sale of the real estate in the bill and proceedings mentioned, and it further appearing from a statement in writing made by Mrs. Lelia A. Wagner to the court and filed with the papers in this cause that she is willing to have her dower interest in said land commuted, the court doth adjudge, order and decree that C. W. Coleman, who is appointed Special Commissioner for this purpose, after having advertised the time, place and terms of sale for ten days in the Norfolk Landmark, a newspaper published in the City of Norfolk, Virginia, and in the Suffolk Herald, a newspaper published in the town of Suffolk, Virginia, both newspapers being extensively circulated in Nansemond County, shall proceed to sell the said real estate on the premises at public auction, upon the following terms, to-wit:- One-third of the purchase price to be paid in cash, one-third to be paid in one year, and one-third to be paid in two years, the deferred payments to bear interest at the rate of six per cent per annum, to be evidenced by negotiable, promissory, homestead-waiving notes, made and signed by the purchaser, and secured by ^{*prior*} deed of trust on the property sold, the expenses of drawing and recording said deed of trust to be borne by the purchaser, or, at the option of the purchaser, all of the purchase price may be paid in cash, *upon confirmation of the sale by the court*

But the said Special Commissioner shall not proceed to advertise the sale of said real estate, nor have any authority under this decree, until he shall have given bond before the Clerk of this court in his office, with security deemed sufficient by said Clerk, in the penalty of *Seventeen Thousand Dollars (\$17,000)*. payable unto the Commonwealth of Virginia, conditioned according to law, for the faithful discharge of his duties as such Special Commissioner under this decree and under any other decree that may be entered in this cause, and shall have obtained from said Clerk a certificate that the bond required by this decree has been given, which certificate, or a copy thereof, shall be appended to the advertisement of sale with the report of sale, and the said Special Commissioner is directed to report his transactions hereunder to the court.

~~And this cause is continued.~~

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

James L. M. Lomax

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

William A. Wagner et als.

Vs.

Charles L. Wagner et als.

DECREE.

Entered September 11th.
1908.

James L. W. Moore

Recorded in Chancery
Order Book No. 4, page 274.

C. W. COLEMAN

ATTORNEY AT LAW

KIRN BUILDING, PORTSMOUTH, VA.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY .

William A. Wagner et als.

Plaintiffs.

Vs.) In Chancery.

Charles L. Warner et als.

Defendants.

By consent of all the adult parties, both plaintiff and defendant, by counsel, except the defendant James M. Wagner, against whom this cause had been matured by order of publication, and who had not appeared by motion, demurrer, plea or answer, and by consent of the infant defendants, by their guardian ad litem, this cause is submitted to the judge of this court for such decision, decree, judgment or order therein in vacation as might be made in term.

IN THE CIRCUIT COURT OF NANSEMOND
COUNTY.

William A. Wagner et als.

Vs.) In chancery.

Charles L. Wagner et als.

Decree making cause vacation
cause.

We consent to this decree.

C. W. Coleman
of Counsel for all
adversely parties, plaintiff
and defendant except
absent defendant J. A. H.
Wagner.

E. E. Hove and
Edw. A. Hove

Ents July 30, 1908

James L. Hove
C. W. COLEMAN

ATTORNEY AT LAW

KIRN BUILDING, PORTSMOUTH, VA.
Entered in Chg. Order Book
No. 4 - Page 268.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

William A. Wagner, and Alice
R. Wagner, his wife, Thomas
H. Wagner, Grace W. Williams
and Howard H. Williams, her
husband,

Plaintiffs.

Vs.) In Chancery.

Charles L. Wagner, Lelia M.
Wagner, James H. Wagner and Ada
McVicker Wagner, his wife,
Edward M. Wagner, John Wagner,
Jefferson Wagner, James Bruce
Wagner, the last three infants
under twenty-one years of age.

Defendants.

This cause came on this day to be heard upon the complainants' bill; joint and separate answers of Charles L. Wagner, Ada McVicker Wagner and Edward M. Wagner to said bill; the separate answer of Lelia A. Wagner, sometime written Lelia M. Wagner to said bill; the answers of the infant defendants, John Wagner, Jefferson Wagner and James Bruce Wagner, by E. E. Holland ^{duly assigned at rules to defend them in this cause,}, their guardian ad litem, to said bill, all of said answers being this day filed by leave of court; proof of legal service by publication and posting of proper summons by publication on the absent defendant, Edward M. Wagner in the manner provided by law for proceeding against absent defendants, who has this day by leave of court filed his answer to said bill; and the proof of legal service and posting of proper summons by publication on the absent defendant, James H. Wagner, who has failed and still fails to appear, plead, demur or answer the said bill, which is taken for confessed as to him, and the replication of the complainants by counsel to the said several answers; and was argued by counsel. On consideration whereof, the court doth adjudge, order and decree that the papers in this cause be referred to one of the commissioners of this court, who is directed to make inquiry into and report to the court the following matters:

FIRST:- Whether all of the parties in interest are properly before the court.

SECOND:- The real estate of which James Wagner died, seised and possessed.

THIRD:- The annual and fee simple value of said real estate.

FOURTH:- All taxes and other liens due upon said real estate and the priorities of said liens.

FIFTH:- Whether partition can^{be} conveniently made of said real estate among the persons entitled thereto.

SIXTH:- If partition cannot be conveniently made of said real estate among the parties entitled thereto, whether the interests of those who are entitled to said real estate or its proceeds will be promoted by a sale of the entire real estate or by allotment of part and sale of the residue; or whether any party or parties in interest are willing to accept the entire real estate and pay therefor to the other parties such sums of money as their interest therein may entitle them to.

SEVENTH:- The Commissioner is directed to report such other matters as any of the parties to the suit may require or the commissioner may deem advisable to inquire into and report.

EIGHTH:- The commissioner is further required to return with his report the testimony upon which it is based.

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

William A. Wagner et al.

Vs.) In Chancery.

Charles L. Wagner et al.

DECREE.

Entered July 25th 1908.
James L. W. Moore
Entered in Chancery
Order Book No. 4.
Page 265

C. W. COLEMAN

ATTORNEY AT LAW

KIRN BUILDING, PORTSMOUTH, VA.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

William A. Wagner et als.

Plaintiffs

Vs.) In Chancery.

Charles L. Wagner et als.

Defendants.

On motion of the defendants, Charles L. Wagner, Lelia A. Wagner, Ada McVicker Wagner and Edward M. Wagner, by their counsel, and on motion of the infant defendants, John Wagner, Jefferson Wagner and James Bruce Wagner, by their guardian ad litem, leave is granted them to file their answers in this suit, and the same are accordingly filed.

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

William A. Wagner et als.

Vs.

Charles L. Wagner et al.

Decree filing answers of de-
fendants.

Enter. July. 25th. 1908.

James L. Moore

Entered in Chancery
Order Book No. 4.
Page 265.

W. J. NELMS
W. B. COLONNA
L. A. McMURRAN

NELMS, COLONNA & McMURRAN
ATTORNEYS AT LAW
SILSBY BUILDING
NEWPORT NEWS, VIRGINIA

June 12th, 1911.

Mr. R.R. Smith, Clerk,
Suffolk, Virginia.

Dear Sir:-

In the suit of Wagner against Coleman there was a provision authorizing Mrs. Wagner to withdraw the original assignment from J. H. Wagner to her, filed with the supplemental bill, upon leaving a certified copy therewith. Please make certified copy and mail us the original copy by registered mail and let us have your bill for this further service, and we will remit for the whole.

Very truly,

Nelms, Colonna and McMurrans,

By *W. J. Nelms*

C/11

*original sent to
W. J. Nelms by registered
mail 6/13/11*

W. J. NELMS
W. B. COLONNA
L. A. McMURRAN

NELMS, COLONNA & McMURRAN
ATTORNEYS AT LAW
SILSBY BUILDING
NEWPORT NEWS, VIRGINIA

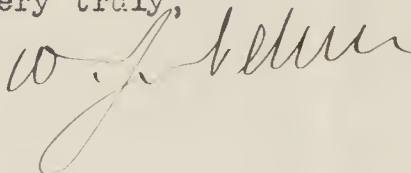
June 9th, 1911.

Mr. R. R. Smith, Clerk,
Suffolk, Virginia.

Dear Sir:-

Please advise me the amount of costs necessary for me
to send you for the entry of the papers in the Wagner suit on the
17th instant, and I will send check to cover the same.

Very truly,



N/M

*Bill for
56 & sent
6/10/11*

W. J. NELMS
W. B. COLONNA
L. A. MCMURRAN

NELMS, COLONNA & MCMURRAN
ATTORNEYS AT LAW
SILSBY BUILDING
NEWPORT NEWS, VIRGINIA

May 16th, 1911.

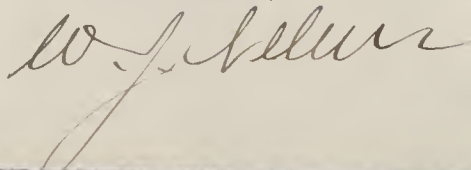
Honorable James L. McLemore,
Suffolk, Virginia.

My dear Judge:-

I herewith hand you amended and supplemental bill,
Commissioner's report and decree to be entered in the suits of
Wagner against Wagner, and Wagner against Coleman. I will
thank you to enter the decree at your convenience.

With best wishes, I am,

Yours very truly,

A handwritten signature in dark ink, appearing to read "W. J. Nelms", written in a cursive style.

C.W.COLEMAN
Attorney at Law
PORTSMOUTH, VA.

Apr. 30, 1909.

R. R. Smith, Esq.,
Clerk Circuit Court Nansemond Co.,
Suffolk, Va.

Dear Sir:-

I am sending you herewith my check for \$10.39
in payment of Clerk's fee in the suit of Wagner v. Wagner,
and also of the fee due the Sheriff of Nansemond County, as
shown in the enclosed statement. I have added to the Clerk's
fee, \$.36 for another decree which is to be entered in this
matter.

Thanking you for your courtesies , I am,

Sincerely yours ,

C. W. Coleman

C. W. C. - L.

L.

C.W.COLEMAN
Attorney at Law
PORTSMOUTH, VA.

Apr. 28, 1909.

R. R. Smith, Esq.,
Clerk of the Circuit Court
of Nansemond County,
Suffolk, Va.

Dear Sir:-

Will you kindly send me a copy of the last decree
entered in the suit of Wagner vs. Wagner.

With kindest wishes,

Yours truly,

C. W. Coleman,
L²

C. W. C. - L.

BANK OF SUFFOLK.

Shady Spring Md.
SUFFOLK, VA.,
Sept. 11, 1908.

Mr. C. W. Coleman,
Porto. Va.

My dear sir:-

I have been carefully over the Wagner papers, and concluded it would be safer, from the evidence introduced to let the property be sold. Mrs. Wagner can still buy the interests of the adults, and if the property brings its apparent value, the infants will be benefited by the sale, rather than acceptance of \$1000. each. I feel under the circumstances that a sale is the safer plan. With kind regards -

Yours very truly,

J. L. McInnere

C.W.COLEMAN
Attorney at Law
PORTSMOUTH, VA.

May 19, 1908.

R. R. Smith, Esq., Clerk,
Suffolk, Va.

Dear Sir:-

Enclosed you will find the bill in the suit of
William A. Wagner et als. vs. Charles L. Wagner et als. and
summons from the Sergeant of the City of Newport News, which
you will please file.

Yours truly,

C.W. C. - L.

C. W. Coleman

C.W.COLEMAN
Attorney at Law
PORTSMOUTH, VA.

May 13, 1908.

R. R. Smith, Esq., Clerk,
Suffolk, Va.

Dear Sir:-

In keeping with my conversation with Mr.
Gomer this morning I send herewith an order of publication
in the suit of William A. Wagner et als. vs. Charles L. Wagner
et. als. Please have E. E. Holland appointed guardian ad litem
for the infant defendants.

Very truly yours,

C. W. C. - L.

C. W. Coleman,
L.

E. E. Halland
Edvard L. L. L.

May 12, 1908.

C. W. Coleman, Esq.,
Portsmouth, Va.

Dear Sir:

Enclosed herein you will find summons for Ada McVicker Wagner and James Bruce Wagner, addressed to the Sergeant of the City of Newport News, Va., as requested in your letter of the 11th instant.

It appears from the style of the suit, in your notice to the Clerk to issue summons & etc., that James H. Wagner ~~is~~ is the husband of Ada McVicker Wagner, but in the same notice you state that the summons for Ada McVicker Wagner and James Bruce Wagner is to be sent to Sergeant of Newport News, and that James H. Wagner and Edward M. Wagner are non-residents. (?)

Kindly prepare the order of publication, in this suit, and send to me so I can ^{it} get in the paper that goes to press on Thursday afternoon.

You do not suggest the name of a Guardian Ad Litem to represent the infants and this you will please do.

Yours very truly,

Clerk.

Copy -

C.W.COLEMAN
Attorney at Law
PORTSMOUTH, VA.

May 11, 1908.

R. R. Smith, Esq.,
Clerk Circuit Court of Nansemond Co.,
Suffolk, Va.

Dear Sir:-

Enclosed you will find a memorandum for a suit in chancery in which William A. Wagner et als. are plaintiffs and Charles L. Wagner et als. are defendants. Summons for Ada McVicker Wagner and James Bruce Wagner to be addressed to the Sergeant of the City of Newport News, Va. James H. Wagner and Edward M. Wagner are not residents of the state, for whom an order of publication will have to be made. If you will send the summons addressed to the Sergeant of Newport News to me, I will see that they are served promptly. Send me your bill of expenses and I will see that it is paid.

Yours truly,

C. W. C - L.

C. W. Coleman

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

William A. Wagner and Alice R.
Wagner, his wife, Thomas H. Wagner,
Grace W. Williams and Howard H. Williams,
her husband,

PLAINTIFFS.

Vs.) In Chancery.

Charles L. Wagner, Lelia M. Wagner,
James H. Wagner and Ada McVicker
Wagner, his wife, Edward M. Wagner,
John Wagner, Jefferson Wagner, James
Bruce Wagner, the last three infants
under twenty-one years of age.

DEFENDANTS.

Summons for Ada McVicker Wagner and James Bruce
Wagner to be sent to the Sergeant of the City of Newport News,
Virginia. Order of publication for James H. Wagner and Edward
M. Wagner who are not residents of this state.

The object of this suit is to obtain partition
of the real estate situate in Nansemond County and elsewhere in
Virginia, of which Jas. Wagner died seised and possessed.

The Clerk will please issue summons in chancery
returnable to rules to be held on the 3rd Monday in May, 1908.

May 11, 1908.

L. M. Coleman

h.g.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

William A. Wagner et als.

Vs.) In Chancery.

Charles L. Wagner et als.

STATE OF VIRGINIA,

City of Portsmouth, to-wit:-

This 11th day of May, in the year 1908, C. W. Coleman personally appeared before me, Mary A. Lamar, a Notary Public in and for the City of Portsmouth in the State of Virginia, and made oath that James H. Wagner and Edward M. Wagner, defendants in the above suit, are not residents of this state.

C. W. Coleman

Subscribed and sworn to before me
this 11th day of May, in the year
1908, in the City of Portsmouth,
State of Virginia, aforesaid.

Mary A. Lamar
Notary Public.

My commission expires August 30, 1910.

Wm A. Wagner vals.
vs } In Chancery
Chas. F. Wagner vals.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

William A. Wagner et als.

Vs.

Charles L. Wagner et als.

To the Honorable J. L. McLeMore, Judge of said Court.

The undersigned, to whom was knocked down the real estate mentioned in the bill and proceedings in the above styled cause, for Twelve Thousand and Nine Hundred Dollars (\$12,900), the highest price bid therefor at public auction on Tuesday, the 29th day of September, 1908, respectfully requests the Court to confirm the sale and to order a deed for said property to be made to her.

Respectfully,

Dated Oct. 3, 1908.

Mrs. Lelia A. Wagner

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

William A. Wagner et als.

Vs.

Charles L. Wagner et als.

Letter of Lelia A. Wagner,
requesting confirmation of
sale of real estate.

1908 October 14th filed
J.L.M.

Portsmouth, Va., Sept. 8, 1908.

To the Hon. J. L. McLemore,
Judge of the Circuit Court of
Nansemond County.

I have contracted to buy the interests of William A. Wagner, Charles L. Wagner, James H. Wagner, Edward M. Wagner and Grace M. Williams in the real estate of their father, James Wagner, deceased, fully set forth and described in the bill and proceedings in the suit of William A. Wagner et als. vs. Charles L. Wagner et als., now pending in the Circuit Court of Nansemond County, paying each of said heirs the sum of One Thousand Dollars (\$1,000) for his share in said real estate.

James H. Wagner, the remaining adult heir, has not been heard from for some time, and he has made no disposition of his interest in the real estate. Besides, the adult heirs, there are two minors, one my son, for whom I am guardian, and the other John Wagner, for whom Mr. W. H. Brinkley is guardian.

Estimated at the price at which the adult heirs have sold their interest, the value of all the real estate described in said bill and proceedings would be Twelve Thousand Dollars (\$12,000). I am willing to buy the whole farm at that price if your Honor should decide that it would be a proper price at which to sell it. I had decided to have my dower interest in said farm allotted to me in kind, but afterwards consented to a sale of the whole farm upon condition that the adult heirs would agree to sell me their interest in said farm at One Thousand Dollars (\$1,000) for each share thereof.

Respectfully,

Lelia A. Wagner

STATE OF VIRGINIA,

City of Portsmouth, to-wit:-

I, Mary A. Lamar, a Notary Public for the city aforesaid, in the State of Virginia, do certify that Lelia A. Wagner, whose name is signed to the writing above, bearing date on the 8th day of September, in the year nineteen hundred and eight, has acknowledged the same before me in my city aforesaid.

Given under my hand this 8th day of September, in the year 1908.

My commission expires on the 30th day of August, 1910.

Mary A. Lamar
Notary Public.

Wm a. Wagner & als.

n } In Chancery

Chas. L. Wagner & als.

Portsmouth, Va., Sept. 8, 1908.

To the Hon. J. L. McLemore,
Judge of the Circuit Court of
Nansemond County.

I am the widow of James Wagner, deceased, as was proven in the suit of William A. Wagner et als. vs. Charles L. Wagner et als., now pending in your honorable court. I am willing that the property of the said James Wagner be sold and that my dower interest therein be commuted to me in money in the manner prescribed by the statute for such cases made and provided.

Respectfully,

Lelia A. Wagner

STATE OF VIRGINIA,

City of Portsmouth, to-wit:-

I, Mary A. Lamar, a Notary Public for the city aforesaid, in the State of Virginia, do certify that Lelia A. Wagner, whose name is signed to the writing above, bearing date on the 8th day of September, in the year nineteen hundred and eight, has acknowledged the same before me, in my city aforesaid.

Given under my hand this 8th day of September, in the year 1908.

My commission expires on the 30th day of August, 1910.

Mary A. Lamar
Notary Public.

Wm A. Wagner val.
m } m Chancey
Chas. S. Wagner val.

THIS DEED, Made the 10th day of August, A. D. nineteen hundred and eight between Edward M. Wagner, an unmarried man, of the County of Nansemond, in the State of Virginia, party of the first part, and Lelia A. Wagner, of said County and State, party of the second part.

WITNESSETH, That in consideration of the sum of ONE THOUSAND AND 00/100 Dollars, cash in hand paid, the receipt whereof is hereby acknowledged, the said Edward M. Wagner doth grant, with general warranty, unto the said Lelia A. Wagner, subject to the dower right of the said Lelia A. Wagner in said property, the following property to-wit:

All his right, title and interest, the same being an undivided one-eighth (1/8) interest in that certain farm, tract or parcel of land, situate in "Sleepy Hole" Magisterial District, in Nansemond County, Virginia, on which the said James Wagner recently resided, and which contains two hundred and eighty-three (283) acres, more or less, and is bounded as follows:- On the East by the lands formerly owned by Jno. G. Peak, now owned by Brinkley and Doughtie, on the South by the county road leading from "Sleepy Hole", now Cartwright's Wharf, to Bennett's Pasture, on the South and West by the lands formerly owned by Marmaduke Cartwright and a part of "Sleepy Hole" Farm, and on the West and North by the Nansemond River, a part of said farm having been conveyed to the said James Wagner by Sallie J. Wright by deed dated the 16th day of June 1883, and recorded in the Clerk's office of the Nansemond County Court in Deed Book 11, page 666, and the remaining part of said farm having been conveyed to the said James Wagner by Jno. G. Peak and wife by deed dated the 1st day of August, 1883, and recorded in said Clerk's office in Deed Book 14, page 593, to which deeds reference is hereby made. The said property, on the death of the said James Wagner, intestate in January, 1908, descended to his wife, Lelia A. Wagner and his eight children, William A. Wagner, James H. Wagner, Thomas H. Wagner, Charles L. Wagner, Edward M. Wagner, Grace M. Wagner, (now Grace W. Williams), John Wagner and Jefferson A. Wagner.

The said Edward M. Wagner, covenants that he has the right to convey the said land to the grantee; that the grantee shall have quiet possession of the said land, free from all encumbrances; that he, the said party of the first part, will execute such further assurances of the said land as may be requisite; that he has done no act to encumber the said land.

Witness the following signature and seal:

Chas. H. Randall.

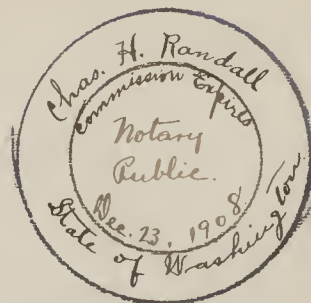
Edward M. Wagner (Seal)

STATE OF WASHINGTON)
County of Kitsap) to-wit:

I, Chas. H. Randall, a Notary Public for the county aforesaid, in the State of Washington do certify that Edward M. Wagner, whose name is signed to the writing above, bearing date on the 10th day of August A. D. nineteen hundred and eight has acknowledged the same before me in my city aforesaid.

Given under my hand, this 17th day of August A. D. nineteen hundred and eight.

Chas. H. Randall,
Notary Public.



COPY

DEED
of
BARGAIN and SALE.

Edward M. Wagner

to

Lelia A. Wagner.

THIS DEED, Made the 10th day of August, A. D.
nineteen hundred and eight between William A. Wagner and
Alice R. Wagner, his wife, of the City of South Weymouth, in
the State of Massachusetts, Grace W. Williams and Howard H.
Williams, her husband, of the City of Norfolk, Virginia, and
Charles L. Wagner, of the County of Nansemond, in the State of
Virginia, parties of the first part, and Lelia A. Wagner, party
of the second part.

WITNESSETH, That in consideration of the sum of
THREE THOUSAND AND 00/100 Dollars, cash in
hand paid, the receipt whereof is hereby acknowledged, the
said William A. Wagner, Alice R. Wagner, Grace W. Williams,
Howard H. Williams and Charles L. Wagner, do grant with general
warranty, unto the said Lelia A. Wagner, subject to the dower
right of the said Lelia A. Wagner in said property, the
following property to-wit:

All their right, title and interest, the same being
an undivided three-eighths ($3/8$) interest in that certain farm,
tract or parcel of land, situate in "Sleepy Hole" Magisterial
District, in Nansemond County, Virginia, on which the said
James Wagner recently resided, and which contains two hundred
and eighty-three (283) acres, more or less, and is bounded as
follows:- On the East by the lands formerly owned by Jno. G.
Peak, now owned by Brinkley and Doughtie, on the South by the
county road leading from "Sleepy Hole", now Cartwright's
Wharf, to Bennett's Pasture, on the South and West by the lands
formerly owned by Marmaduke Cartwright and a part of "Sleepy
Hole" Farm, and on the West and North by the Nansemond River,
a part of said farm having been conveyed to the said James
Wagner by Sallie J. Wright by deed dated the 16th day of June,
1883, and recorded in the Clerk's office of Nansemond County
Court in Deed Book 11, page 666, and the remaining part of said
farm having been conveyed to the said James Wagner by Jno. G.
Peak and wife by deed dated the 1st day of August, 1883, and
recorded in said Clerk's office in Deed Book 14, page 592, to
which deeds reference is hereby made. The said property, on
the death of the said James Wagner, intestate in January, 1908,
descended to his wife, Lelia A. Wagner and his eight children,
William A. Wagner, James H. Wagner, Thomas H. Wagner, Charles
L. Wagner, Edward M. Wagner, Grace M. Wagner (now Grace W.
Williams), John Wagner and Jefferson A. Wagner.

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

Witness the following signatures and seals:

Alice Raymond Wagner (Seal)

William A. Wagner (Seal)

Grace W. Williams (Seal)

Howard H. Williams (Seal)

Chas. L. Wagner (Seal)

STATE OF VIRGINIA,)
City of Portsmouth,) to-wit:
)

I, Mary A. Lamar, a Notary Public for the city aforesaid, in the State of Virginia, do certify that Grace W. Williams and Howard H. Williams, her husband, whose names are signed to the writing above, bearing date on the 10th day of August, A. D. nineteen hundred and eight have acknowledged the same before me in my city aforesaid.

Given under my hand, this 17th day of September A. D. nineteen hundred and eight.

My commission expires on the 30th day of August, 1910.

Mary A. Lamar,
Notary Public.

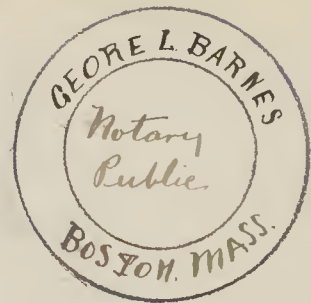
COMMONWEALTH OF MASSACHUSETTS,)
County of Norfolk,)
Town of Weymouth,)

I, George L. Barnes, a Notary Public for the Commonwealth aforesaid do certify that Alice Raymond Wagner and William A. Wagner her husband, whose names are signed to the writing above, bearing date on the 10th day of August A. D. nineteen hundred and eight, have acknowledged the same before me in my town aforesaid.

Given under my hand and Notarial Seal this 13th day of August A. D. nineteen hundred eight.

My commission expires December 24th, 1908.

George L. Barnes
Notary Public.



COPY

DEED
of
BARGAIN and SALE.

William A. Wagner et al.

TO

Lelia A. Wagner.

THIS DEED, Made the 10th day of August, A. D. nineteen hundred and eight between Thomas H. Wagner, an unmarried man, of the City of Chattanooga, in the State of Tennessee, party of the first part, and Lelia A. Wagner, of the County of Nansemond, in the State of Virginia, party of the second part.

WITNESSETH, That in consideration of the sum of ONE THOUSAND AND 00/100 Dollars, cash in hand paid, the receipt whereof is hereby acknowledged, the said Thomas H. Wagner doth grant, with general warranty, unto the said Lelia A. Wagner, subject to the dower right of the said Lelia A. Wagner in said property, the following property to-wit:

All his right, title and interest, the same being an undivided one-eighth (1/8) interest in that certain farm, tract or parcel of land, situate in "Sleepy Hole" Magisterial District, in Nansemond County, Virginia, on which the said James Wagner recently resided and which contains two hundred and eighty-three (283) acres, more or less, and is bounded as follows:- On the East by the lands formerly owned by Jno. G. Peak, now owned by Brinkley and Doughtie, on the South by the county road leading from "Sleepy Hole", now Cartwright's Wharf, to Bennett's Pasture, on the South and West by the lands formerly owned by Marmaduke Cartwright and a part of "Sleepy Hole" Farm, and on the West and North by the Nansemond River, a part of said farm having been conveyed to the said James Wagner by Sallie J. Wright by deed dated the 16th day of June 1883, and recorded in the Clerk's office of Nansemond County Court in Deed Book 11, page 666, and the remaining part of said farm having been conveyed to the said James Wagner by Jno. G. Peak and wife by deed dated the 1st day of August, 1883, and recorded in said Clerk's office in Deed Book 14, page 593, to which deeds reference is hereby made.

The said Thomas H. Wagner covenants that he has the right to convey the said land to the grantee; that the grantee shall have quiet possession of the said land, free from all encumbrances; that he, the said party of the first part, will execute such further assurances of the said land as may be requisite; that he has done no act to encumber the said land.

Witness the following signature and seal:

Thomas H. Wagner (Seal)

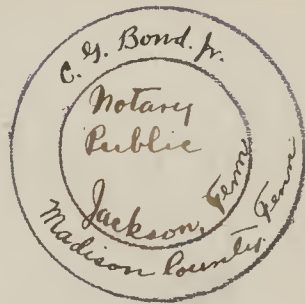
STATE OF TENNESSEE)
City of Jackson) to-wit:
Madison County)

I, C. G. Bond, Jr., a Notary Public for the city aforesaid, in the State of Tennessee, do certify that Thomas H. Wagner whose name is signed to the writing above, bearing date on the 10th day of August A. D. nineteen hundred and eight has acknowledged the same before me in my city aforesaid.

Given under my hand and Notarial Seal, this 13th day of August A. D. nineteen hundred and eight.

C. G. Bond, Jr.
Notary Public.

My commission is dated January 7th, 1908, and expires January 7th, 1912.



COPY

DEED
of
BARGAIN and SALE.

Thomas H. Wagner

to

Lelia A. Wagner.

KNOW ALL MEN BY THESE PRESENTS, That I, James H. Wagner, son of James Wagner, deceased, formerly of Drivers, Nansemond County, Virginia, in consideration of Two Hundred and Fifty Dollars (\$250), cash in hand paid, receipt whereof is hereby acknowledged, do hereby grant, assign and set over unto Ada M. Wagner, all of my right, title, interest and estate in and to all funds to which I was or might be entitled from the estate of my late father, and any funds which are now in her hands as Special Commissioner of the Circuit Court of Nansemond County, Virginia, in the suits of Wagner vs Wagner and Wagner vs Coleman, Administrator et als.

I hereby ratify and confirm all of the proceedings of the said suits entered by the said court and the proceedings in the suit of Wagner vs Wagner in the Corporation Court of the City of Newport News.

These presents are to be considered co-ordinate with and of equal force and dignity with the power of attorney given by me to C. W. Coleman, dated the 18th day of March, 1911, and are intended to carry out said power of attorney and not to revoke the same.

Witness the following signatures and seals;- this 20th day of March, 1911.

James H. Wagner (SEAL).

C. W. Coleman, Atty in fact. (SEAL).

STATE OF VIRGINIA,
City of Portsmouth, to-wit:-

I, Mary A. Lamar, a Notary Public for the City aforesaid in the State of Virginia, do certify that James H. Wagner and C. W. Coleman, Attorney in fact, whose names are signed to the foregoing writing, bearing date on the 20th day of March, in the year nineteen hundred and eleven, have acknowledged the same before me, in my city aforesaid.

Given under my hand this 20th day of March, 1911.

Mary A. Lamar, Notary Public.

My commission expires Sept. 6, 1914.

A Copy, Teste: R. R. Smith, Clerk

By M. M. Watkins A.C.

Exhibit A
filed with
Amended & Sup-
plemental Bill

Certified Copy

COMMISSIONER'S OFFICE, SUFFOLK, VA., JULY 27, 1908.

The parties in the suit of William A. Wagner, and Alice R. Wagner, his wife, Thomas H. Wagner, Grace W. Williams, and Howard H. Williams, her husband, vs. Charles L. Wagner, Lelia M. Wagner, James H. Wagner and Ada Mcvicker Wagner, his wife, Edward M. Wagner, John Wagner, Jefferson Wagner, James Bruce Wagner, the last three infants under twenty-one years of age, and Edward E. Holland, guardian ad litem, will take notice that on the 28th day of July, 1908, at my office, in the Town of Suffolk, I will proceed to execute the decree rendered in said cause by the Circuit Court of Nansemond County on the 25th day of July, 1908, when and where they are required to attend with such books, papers, vouchers and evidence as will enable me to comply with the said order of court.

Sept. H. Withers

Master Commissioner of the Circuit Court of Nansemond Co.

Due, legal and sufficient service of the above notice is hereby accepted for all of the adult parties, plaintiff and defendant.

E. M. Coleman Atty

E. E. Holland,

Guardian ad litem

Commissioner's Office, Suffolk, Va., Aug. 19th, 1908.

The undersigned, in pursuance of a decree entered in the cause of William A. Wagner et als vs. Charles L. Wagner et als by the Circuit Court of Nansemond County on the 25th day of July, 1908, whereof the following is an extract:

"On consideration whereof, the court doth adjudge, order and decree that the papers in this cause be referred to one of the commissioners of this court, who is directed to make inquiry into and report to the court the following matters:

FIRST:- Whether all of the parties in interest are properly before the court.

SECOND:- The real estate of which James Wagner dies, seized and possessed.

THIRD:- The annual and fee simple value of said real estate.

FOURTH:- All taxes and other liens due upon said real estate and the priorities of said liens.

FIFTH:- Whether partition can be conveniently made of said real estate among the persons entitled thereto.

SIXTH:- If partition cannot be conveniently made of said real estate among the parties entitled thereto, whether the interests of those who are entitled to said real estate or its proceeds will be promoted by a sale of the entire real estate or by allotment of part and sale of the residue; or whether any party or parties in interest are willing to accept the entire real estate and pay therefor to the other parties such sums of money as their interest therein may entitle them to.

SEVENTH:- The Commissioner is directed to report such other matters as any of the parties to the suit may require or the

commissioner may deem advisable to inquire into and report.

EIGHTH:- The commissioner is further required to return with his report the testimony upon which it is based."

And having given due notice to all the parties concerned, as will appear by the return of said notice hereto attached, proceeded on the 28th day of July, 1908 to execute the said decree; and the proceedings having been completed, the undersigned Master Commissioner reports as follows:

1st-, All of the parties in interest are properly before the court.

2nd-, The real estate of which James Wagner died, seized and possessed consist of a certain farm situated in Sleepy Hole Magisterial District in Nansemond County, Virginia on which the said James Wagner resided, and which contains two hundred and eighty-three acres, more or less, and is bounded as follows:

On the East by the lands formerly owned by John G. Peak, now owned by W. H. Brinkley and W. J. Doughtie; on the South by the County road leading from Sleepy Hole to Bennett's pasture; on the South and West by the lands formerly owned by Marma Duke Cartwright, a part of the Sleepy Hole farm; and on the West and North by the Nansemond River. A part of said farm having been conveyed to said James Wagner by Sallie J. Wright and the other part having been conveyed to him by John G. Peak, as appears from deeds of record.

3rd-, The fee simple value of said farm is about fourteen thousand dollars (\$14,000) and its annual value about eight hundred dollars (\$800).

4th-, There are no delinquent taxes charged against this land. The only liens of record found against this property are as follows:

1. A deed of trust executed by Thomas H. Wagner to A. B. Carney, Trustee, dated June 2nd, 1908 to secure to the Merchants and Farmers Bank of Portsmouth, Virginia, the payment of a note for \$500.00 of even date with the deed payable six months after date. This deed conveys the grantors one-eighth interest in the farm land above described.

2. A deed of trust executed by Charles L. Wagner to W. H. Jones, Jr., Trustee, dated 17th of August, 1908, to secure to S. E. Everett the payment of the sum of \$250.00, evidenced by bond of even date payable on demand. This deed conveys the grantors one-eighth interest in the farm land above described.

5th-, Partition cannot be conveniently made of said real estate among the persons entitled thereto.

6th-, Interest of the parties will be promoted by a sale of the entire real estate and a division of the proceeds amongst the parties entitled thereto. Mrs. Lelia A. Wagner, widow of James Wagner, deceased, is willing to accept the entire real estate and pay therefor one thousand dollars (\$1000.00) net to each of the eight children and bear the expense of this suit and such other expenses that may be necessary to complete the transaction. Several of the adult heirs have indicated that they will accept this proposition.

7th-, Your commissioner is not requested to report on any other matters in this suit by any of the parties thereto, and he knows of nothing further to be reported upon as will be of value to the court.

8th-, The testimony upon which this report is based is returned herewith as directed.

Respectfully submitted,

COMMISSIONER'S FEE \$10.00

STENOGRAPHER'S FEE \$2.00

Wm. H. Witter
Cour. in Chy.

MRS. LELIA A. WAGNER, BEING DULY SWORN, DEPOSES AND
SAYS AS FOLLOWS:

questions by the commissioner.

Q. Please state your name and what relation you bore to the late James wagner?

A. Lelia A. Wagner. I am his widow.

Q. Please state the names of all of the children of Mr. James Wagner?

A. W. A. Wagner, James H. Wagner, T. H. Wagner, C. L. Wagner, E. M. Wagner, Grace M. Williams, John wagner and Jefferson A. wagner.

Q. How many of these are under twenty-one years of age?

A. Two.

Q. Name them?

A. John and jefferson A. Wagner.

Q. Where is James H. Wagner?

A. we do not know. He has not been heard from at all since the death of Mr. wagner.

Q. How long before Mr. wagner's death was it when you heard from him?

A. The summer of 1906.

Q. was all of Mr. Wagner's real estate embraced in his home farm?

A. Yes, sir.

Q. what, in your judgement, is the value of the home farm and buildings?

A. well, I estimate it at \$15,000.00.

Q. what should it rent for in money for a year?

A. \$900.00.

Q. Please state if, in your judgement, this land can be

conveniently divided into eight equal parts?

A. No, sir, not well.

Q. In your judgement, if your dower should be laid off to you, do you think the balance of the farm could be divided into eight equal shares?

A. I do not think so, not conveniently.

Q. Please state if James H. Wagner has a wife and child, and if so, whether they are residents of Virginia?

A. Yes, sir. In Newport News.

Q. Please name them?

A. Ada Mcvickar Wagner and James Bruce Wagner.

Q. Are you willing to take the entire real estate and pay therefor to the other parties such sums of money as their interests therein entitle them to?

A. Yes, provided the sum is agreed upon.

Q. Upon what basis would you be willing to take the whole farm?

A. I offered to pay each child \$1,000.00 net. I to pay the costs of this suit and all other expenses.

Q. Mrs Wagner, what is your age?

A. Forty-eight years.

Further than this the deponent saith not, signature
waived by consent.

MRS. GRACE M. WILLIAMS, BEING DULY SWORN, DEPOSES AND
SAYS AS FOLLOWS:

Q. Please state your name, residence and what relation you were to Mr. James Wagner?

A. Grace M. Williams, Norfolk, Virginia. Daughter of James Wagner.

Q. What, in your judgement, is the fee simple value of your father's farm?

A. I don't know.

Q. Do you know for how much it should rent by the year?

A. About \$900.00.

Q. If the widow's dower were laid off, do you think that the balance of the farm could be conveniently divided into eight equal shares?

A. No, I do not.

Q. Do you think the interests of all parties would be promoted by a sale of the land and a division of the proceeds?

A. Yes, I think it best for it all to be sold and the proceeds divided.

Q. Would you, as one of the parties, be willing to accept the entire property and pay the other parties the amounts due them?

A. No, sir, I would not.

Q. Are you willing to allow the widow to buy the entire real estate, by paying to each of the heirs \$1,000.00 net?

A. Yes.

Further than this the deponent saith not, signature
waived by consent.

CHARLES L. WAGNER, BEING DULY SWORN, DEPOSES AND SAYS AS
FOLLOWS:

Q. Please state your name, age, residence and occupation, and what relation you were to Mr. James Wagner?

A. Charles L. Wagner, thirty years old, driver, va. farming.
Son of James Wagner.

Q. What, in your judgement, is the fee simple value of your father's farm?

A. \$14,000.00.

Q. For how much should it rent per year?

A. \$700.00.

Q. In your judgement, could the farm be divided into eight equal parts?

A. No.

Q. Could the widow's dower be assigned her and the balance be divided into eight equal shares conveniently?

A. No.

Q. Would the interests of the parties to this suit be promoted by a sale of the entire real estate and a division of the proceeds?

A. Why, yes.

Q. Do you know whether any of the parties are willing to take the entire farm and pay the others what their shares are reasonably worth?

A. No.

Q. Is the widow willing to take the land and pay the children \$1,000.00 a piece, net?

A. Yes.

Q. Are you willing to take this for your share?

A. Yes.

Further than this the deponent saith not, signature waived by consent.

JOHN G. EBERWINE, 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. John G. Eberwine. Deans, Nansemond county, Virginia. Thirty-eight years old, farmer, and I know the parties to this suit.

Q. Mr. Eberwine, please state how long you have lived in this community?

A. Fifteen years in this immediate community, all my life in Lower Parish.

Q. Please state what, in your judgement, is the fair value of Mr. Wagner's home farm?

A. \$15,000.00.

Q. For how much should it rent a year?

A. \$800.00 .

Q. In your judgement, could this farm be conveniently divided into eight equal shares?

A. Not without depreciating the value of it considerably.

Q. Should the widow have her dower assigned, how much should the balance of the farm, together with the widow's dower after her death, be worth?

A. I should think it would depreciate one-half.

Q. Would the interests of those entitled to the land be promoted by a sale of the land and a division of the proceeds?

A. I don't think so.

Q. How then should the property be divided, in your judgement?

A. Why, I should think the most satisfactory way would be if the widow or somebody else should buy the whole.

Q. Then you think the land should be sold and the money divided between the children?

A. Yes.

Further than this the deponent saith not, signature
waived by consent.

W. J. DOUGHTIE, 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. W. J. Doughtie. Age thirty-eight years. Driver, Nansemond county, virginia. Farmer, and I know the parties to the suit, except James wagner and Ed. wagner, they have been absent since I have been living in the neighborhood.

Q. What, in your judgement, is the value of Mr. wagner's home farm?

A. \$14,000.00..

Q. For how much should this farm rent per year?

A. It should rent, now as it stands, for \$840.00.

Q. In your judgement, how is the best way to divide this land between the widow and these eight children?

A. I would sell it and divide the money.

Further than this the deponent saith not, signature
waived by consent.

William A. Wagner et als,

vs.

Charles L. Wagner et als.

Commissioner's Report.

*1908 Aug 19th Filed
APL 56*

ROBT. W. WITHERS,

ATTORNEY AT LAW,

SUFFOLK, VA.

PRACTICING IN ALL COURTS IN
FIRST JUDICIAL CIRCUIT.

JEWELL & COMPANY, PHILADELPHIA.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

William A. Wagner et als.

vs.

Charles L. Wagner et als.

To the Honorable J. L. McLeMore, Judge of said Court:

The undersigned, Lelia A. Wagner, respectfully represents to the court that she desires and elects to pay all the purchase price of the real estate sold to her in the above proceedings in cash.

She further represents that she has acquired the undivided five-eighths interest in the real estate and the net proceeds of the sale thereof belonging to Wm. A. Wagner, Thos. H. Wagner, Charles L. Wagner, Edward M. Wagner and Grace W. Williams, as will appear from the deeds herewith presented. She respectfully petitions, therefore, that the net proceeds of the sale of the said undivided five-eighths interest in the said real estate belonging to the said Wm. A. Wagner, Thos. H. Wagner, Charles L. Wagner, Edward M. Wagner and Grace W. Williams, and conveyed to her, be paid over to her.

She further represents that she has qualified as guardian of her son, Jefferson A. Wagner, in your honorable court, and respectfully prays that the share of the net proceeds of the sale of the real estate belonging to the said Jefferson A. Wagner be paid to her under such conditions and provisions as are provided by law,

And she will ever pray, etc.

Lelia A. Wagner

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

William A. Wagner et als.

Vs.

Charles L. Wagner et als.

PETITION OF LELIA A. WAGNER.

1908 Nov. 13. Friday

121
IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

Wagner vs Coleman, Admr., et als.,

Wagner vs Wagner.

- o - c - o - c -

This day came A. M. Wagner, one of the complainants to the original bill of complaint in the above mentioned cause of Wagner vs Coleman, Admr., et als., and asked leave to file her amended and supplemental bill, which leave is granted and the said amended and supplemental bill is accordingly filed.

And also came the said A. M. Wagner, Special Commissioner appointed by decree entered in this cause on the 11th day of October, 1910, and asked leave to file her report of her proceedings thereunder, which said leave is granted and the said report is accordingly filed.

Then these causes came on this day to be again heard ~~on~~ the papers formally read and the amended and supplemental bill of A. M. Wagner this day filed by leave of the Court; on the report of A. M. Wagner, Special Commissioner, appointed by decree in the above entitled cause of Wagner vs Coleman et als., this day filed, and was argued by counsel; it appearing to the Court that since the entry of the last decree in this cause, the said James H. Wagner has assigned to A. M. Wagner, in consideration of \$250.00, all of his interest in the estate of his father, James Wagner, deceased, and the funds in her hands as Special Commissioner of this Court, as shown by his written assignment, duly acknowledged before a Notary Public, upon consideration whereof and by and with the consent of the said James H. Wagner, the said report is approved and confirmed, and the Court doth adjudge, order and decree that the said A. M. Wagner, Special Commissioner

of this court, acting under decree entered in the cause of Wagner vs Coleman, Administrator, deliver to the said A. M. Wagner in her own right, the said notes of the Sommerville Trust Company and J. C. Sommerville, set out in her report as this day filed, together with the interest notes given for the same.

The court doth further order and decree that A. M. Wagner do pay the accrued cost of this suit, including the entering of this decree *and she has permission to withdraw from the papers of this cause the exhibit "A" filed with her amended & supplemented bill upon* ~~it appearing that nothing further remains to be done in this suit, it is ordered that the same be dismissed from the docket.~~

It appearing that nothing further remains to be done in the suit of Wagner vs. Coleman, it is ordered that the same be dismissed from the docket, but the suit of Wagner vs. Wagner is expressly retained upon said docket for such action as the court may deem proper.

WAGNER VS. COLLMAN

AND

WAGNER VS. WAGNER.

DECREE.

*I do not object to this
decree.*

C. M. Coleman Atty

Entered May 17, 1911.

Wm L. Moore,

*Entered in Chy. Order
Book No. 4. Page 474*

LAW OFFICES OF
NELMS & McMURRAN
SUITE 401 SILSBY BUILDING
NEWPORT NEWS,
VIRGINIA

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

William A. Wagner and Alice
R. Wagner, his wife, Thomas
H. Wagner, Grace W. Williams
and Howard H. Williams her husband, Plaintiffs.

Vs.) In Chancery.

Charles L. Wagner, Lelia M.
Wagner, James H. Wagner and
Ada McVicker Wagner, his wife,
Edward M. Wagner, John Wagner,
Jefferson Wagner, James Bruce
Wagner, the last three infants
under twenty-one years of age. Defendants.

The separate answer of Lelia A. Wagner to a bill in equity exhibited against her and others in the Circuit Court of Nansemond County, by William A. Wagner and Alice R. Wagner, his wife, Thomas H. Wagner, Grace W. Williams and Howard H. Williams, her husband, this respondent, saving and reserving to herself the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as she is advised that it is material that she should answer, answers and says:- It is true that James Wagner was in his lifetime seised and possessed of certain real estate lying in the County of Nansemond, Virginia, as fully described and set forth in the first clause of said bill; that it is also true that the said James Wagner departed this life on the 24th day of January, 1908, leaving a widow, your respondent, Lelia A. Wagner, and eight children, as set forth in said bill, the facts, conditions and circumstances concerning whom are truly set forth in said bill. Your respondent believes that the land in question ought to be partitioned, and she desires that said partition be made in the manner provided by law, and having fully answered the complainants' bill, your respondent prays to be hence dismissed with her reasonable costs in this behalf expended, and she will ever pray, etc.

Lelia A. Wagner
By E. M. Solomon Counsel.

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

William A. Wagner et als.

. Vs.) In Chancery.

Charles L. Wagner et als.

Answer of Lelia A. Wagner.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

William A. Wagner and Alice
R. Wagner, his wife, Thomas
H. Wagner, Grace W. Williams
and Howard H. Williams, her
husband,

Plaintiffs.

Vs.) In Chancery.

Charles L. Wagner, Lelia M.
Wagner, James H. Wagner and
Ada McVicker Wagner, his wife,
Edward M. Wagner, John Wagner,
Jefferson Wagner, James Bruce
Wagner, the last three infants
under twenty-one years of age.

Defendants.

The joint and separate answers of Charles L. Wagner, Ada McVicker Wagner and Edward M. Wagner to a bill in equity exhibited against them and others in the Circuit Court of Nansemond County by William A. Wagner and Alice R. Wagner, his wife, Thomas H. Wagner, Grace W. Williams and Howard H. Williams, her husband, these respondents, saving and reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as they are advised that it is material that they should answer, answer and say:- "It is true that James Wagner was in his lifetime seised and possessed of certain real estate lying in the County of Nansemond, Virginia, as fully described and set forth in the first clause of said bill; that it is also true that the said James Wagner departed this life on the 24th day of January, 1908, leaving a widow and eight children as set forth in said bill, the facts, conditions and circumstances of whom are truly set forth in said bill. These respondents believe that the land in such question ought to be partitioned, and they desire it to be partitioned in kind if it is susceptible to division and the court should determine that the interests of the parties to this suit would be promoted by such division; otherwise they desire that the land be sold and the proceeds thereof divided

among those entitled thereto; and having fully answered the complainants' bill, these respondents pray to be hence dismissed with their reasonable costs by them in this behalf expended, and they will ever pray, etc.

Charles L. Wagner
Ada M. Wagner
Edward M. Wagner,
by B. W. Coleman
Counsel.

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

William A. Wagner et al.

Vs.) In Chancery.

Charles L. Wagner et al.

Answers of Charles L. Wagner,
Ada McVicker Wagner and
Edward M. Wagner.

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

William A. Wagner et al.

Vs.) In Chancery.

Charles L. Wagner et al.

Answers of Charles L. Wagner,
Ada McVicker Wagner and Edward
M. Wagner.

C. W. COLEMAN
ATTORNEY AT LAW
KIRN BUILDING, PORTSMOUTH, VA.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

William A. Wagner and Alice
R. Wagner, his wife, Thomas
H. Wagner, Grace W. Williams
and Howard H. Williams, her husband, Plaintiffs.

Vs.) In Chancery.

Charles L. Wagner, Lelia M.
Wagner, James H. Wagner and
Ada McVicker Wagner, his wife,
Edward M. Wagner, John Wagner,
Jefferson Wagner, James Bruce
Wagner, the last three infants
under twenty-one years of age. Defendants.

The joint and separate answers of John Wagner,
Jefferson Wagner and James Bruce Wagner, infants under the
age of twentyone years, by E E Holland,
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, Virginia, by William A.
Wagner and Alice R. Wagner, his wife, Thomas H. Wagner, Grace
W. Williams and Howard H. Williams, her husband. These respon-
dents reserving to them all just exceptions to said bill, for
answer thereto, or to so much thereof as they are advised that
it is material they should answer, by their said guardian ad
litem, answer and say:- "That they are infants of tender years,
and by reason of their infancy, are incapable of understanding
or taking care of their rights and interests, and they there-
fore, by their said guardian ad litem, commend themselves and
their rights and interests to the protection of the court, and
pray that no decree may be pronounced which will tend to their
prejudice."

And having fully answered, the said respondents
pray to be hence dismissed with their reasonable costs in this
behalf expended, and they will ever pray, etc.

E E Holland
Guardian ad litem of John Wagner,
Jefferson Wagner and James Bruce Wagner

STATE OF VIRGINIA,

County of Nansemond, to-wit:-

This day personally appeared before me,
J. D. Lee, a Notary Public for the
County and State aforesaid, E. E. Holland,
guardian ad litem for John Wagner, Jefferson Wagner and James
Bruce Wagner, whose names as such are signed to the foregoing
answer, and made oath that he believes that the several state-
ments made in the foregoing answer are true.

Given under my hand this 24th day of July,
in the year 1908.

*My Commission expires
on the 19th day of May, 1909.*

J. D. Lee
Notary Public.

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

William A. Wagner et al.

Vs.) In Chancery.

Charles L. Wagner et al.

Answers of John Wagner, Jefferson

Wagner and James Bruce Wagner,

Infant Defendants by their

Guardian ad Litem.

C. W. COLEMAN

ATTORNEY AT LAW

KIRN BUILDING, PORTSMOUTH, VA.

(12)
IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

(Wagner vs Coleman)
(Wagner vs Wagner)

TO THE HONORABLE JAMES L. MCLEMORE, JUDGE OF THE CIRCUIT
COURT OF NANSEMOND COUNTY, VIRGINIA.

- o - o - o - o -

Your complainant, A. M. Wagner, respectfully
represents that on the _____ day of _____, 1910,
she filed in this Court her original bill of complaint
against C. W. Coleman, Administrator of James Wagner and others,
in the following words and figures:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA:

TO THE HONORABLE JAMES L. MCLEMORE, JUDGE OF THE CIRCUIT
COURT OF NANSEMOND COUNTY, VIRGINIA.

- o - o - o - o - o -

Humbly complaining, your complainant, A. M. Wagner
and James Bruce Wagner, an infant eight years of age, who
sues by Emma Mc Vicar, his next friend, complaining sheweth
unto the Court the following case:-

That on the 3rd day of January, 1901, your complain-
ant, A. M. Wagner, was married to James Henry Wagner; that one
child, James Bruce Wagner, now eight years old was born of
this marriage; that for several years after the marriage, the
habits of the said James H. Wagner were all that could be
desired; that he gave to your complainant, A. M. Wagner, proper
support and fulfilled his marriage vows; that in the year 1902
your complainant, A. M. Wagner, discovered that the said
James Henry Wagner, her husband, had been using intoxicating
liquors. From that time on, the use of the said intoxicants
continued and increased, and in the proportion as his drinking

2 -

increased, in about the same proportion was his neglect to your complainant, until finally he began the use of drugs and became totally beside himself; that in his sober moments he was a true and faithful father and husband, but the demon drink having taken possession of him, he was incapacitated for all social, marital or business dealings.

Your complainant used every means in her power to reclaim him. Specialists were engaged for him on nerve troubles and for the treatment of the drug and liquor habit. On each occasion, after a protracted spree and having taken treatment for alcoholism, he would discontinue the use thereof for a short while, but would soon return to his old habits.

Finally, in July, 1906, when conditions became absolutely unbearable and when your complainant's life and health were endangered, your complainant, A. M. Wagner, told her said husband if he did not give up his habits, she would be compelled to take her child and go to her mother's home. He still continued to drink and use the drugs, so your complainant was forced for health and safety, as well as support, to leave the boarding house in which they were staying and go to her mother's home, where she has ever since been, earning her own living and supporting her child. From that day to this, although it has been more than three years ago, your complainant has not heard from him, although she has made frequent inquiries.

About two years ago James Wagner, the father of the said James H. Wagner, departed this life, in the County of Nansemond, Virginia; that C. W. Coleman qualified as his administrator, in the County of Nansemond, Virginia; that the said James Wagner was seized and possessed of a valuable tract of land situate in Nansemond County, in Sleepy Hole Mag-

terial District, containing two hundred and eighty three (283) acres, more or less, bounded on the east by the lands formerly owned by John G. Peak, now occupied by W. H. Brinkley and W. J. Doughtie; on the south by the County Road leading from Sleepy Hole, now Cartwright's Wharf to Bennets' pasture; on the south and west by the lands formerly owned by Marmaduke Cartwright, a part of "Sleepy Hole" farm; and on the west and north by Mansemond River; that a suit was instituted in your Honor's Court by William Wagner, et als., vs Charles L. Wagner, et als., for partition of the said land; that the said land was sold at public auction and the funds divided among those entitled thereto, each of the said parties receiving his portion except the said James H. Wagner, whose whereabouts have not been ascertained.

By decree entered in the said cause on November 13, 1908, it was ordered as follows:-- "And it further appearing to the Court that James H. Wagner has not been located, it is ordered that his interest in the net proceeds of the sale of the said real estate remain in said Merchants and Farmers Bank until the further order of this Court."

Your complainants have been advised and so charge that the interest of the said James H. Wagner in the proceeds is \$1178.07, together with accrued interest. Your complainants are advised and so charge that C. W. Coleman, as Administrator, has not yet settled his administrator's account. They are informed by the said C. W. Coleman that he has about completed his work as administrator and is now ready to make his report.

The said C. W. Coleman, personal representative of the said James Wagner, advises your complainants that he has in his hands, as the portion of the personal estate to which the said James H. Wagner would be entitled, the sum of \$319.11, less \$73.74, the amount of a note made by the said James H.

Wagner to the said James Wagner handed to him by Mrs. Lelia A. Wagner; this your complainant is advised the said administrator desired to pay to some person entitled to receive the same.

That the said James Wagner's life was insured under certificate Number 2818, Endowment Rank of the Order of Knights of Pythias for \$3000.00, payable to the wife and children of the said James Wagner; that the said Knights of Pythias have paid, so your complainants are advised and so charge, all of the parties entitled under the said certificate, except the said James H. Wagner, and that they are desirous of paying the amount to which the said James H. Wagner is entitled under said certificate, but that they have been unable to find any person who is lawfully entitled to receive the same; that his interest in the said certificate is \$333.33.

Your complainants allege and charge that the funds to which the said James H. Wagner is entitled should be placed in the hands of a commissioner or receiver of this Honorable Court and loaned out, the payment to be secured by a deed or deeds of trust, constituting the first lien, or liens, on the real estate. By this method the funds to which the said James H. Wagner would be entitled would be increasing instead of diminishing.

Should it be discovered that the said James H. Wagner is dead, then your complainants would be the person entitled to receive his estate.

In tender consideration whereof and for as much as your complainants are remediless in the premises, save in a Court of Equity, where such matters are alone and properly cognizable, your complainants pray that the said C. W. Coleman Administrator of the estate of James Wagner, and James H. Wagner, may be made parties defendant to this bill and required to

answer the same, but answer under oath is hereby waived; that if it be deemed necessary, this cause be consolidated with the said cause of Wagner vs Wagner above mentioned; that the moneys above set forth and all other moneys that that said James H. Wagner may be entitled to receive, may be collected by a receiver or commissioner appointed by this Honorable Court; that the sum may be loaned out and the payment thereof secured by a deed, or deeds of trust, constituting the first lien, or liens, upon real estate; that all proper allowances and counsel fees may be made in this suit; that all proper accounts may be taken, inquiries directed, and that all such other and further and general relief may be granted as to equity and good conscience may seem meet and proper.

Let subpoena go.

AND YOUR COMPLAINANTS WILL EVER PPAY, ETC.,

But your complainants respectfully represent that on the 18th day of March, 1911, she learned that James H. Wagner, until recently her husband, would be in the City of Norfolk on that day. This was the first information that your complainant had received that her said husband was alive since on or about the 15th day of September, 1906. During the day your complainant's attorneys, Messrs. Nelms & Mc Murran were called by phone by Mr. C. W. Coleman, representing James H. Wagner, stating that he desired a conference on the following Monday.

On the following Monday the conference was held in the City of Portsmouth, Virginia. At this conference

the said James H. Wagner expressed a willingness, that in consideration of Two Hundred and Fifty (\$250.00) Dollars being paid to him by your said complainant, he would assign to her all of his right, title, interest and estate in and to all of his interest in the estate of his late father, James Wagner.

Your complainant accepted the terms, paid the said James H. Wagner the sum of Two Hundred and Fifty (\$250.00) Dollars, and took from him an assignment of his said interest, all of which is fully shown by said assignment, which is hereto attached and prayed to be read as a part of this amended bill.

That the said James H. Wagner gave to Mr. C. W. Coleman a Power of Attorney, authorizing him to act for him in all matters pertaining to his late father's estate, and on account of said power of attorney, the said C. W. Coleman deemed it best that he should also sign the said assignment, which was done as shown by the said paper hereto filed, marked "Exhibit A."

Your said complainant therefore now becomes entitled to all of the moneys now in her hands, as Special Commissioner and otherwise, entered under decree in this cause.

Your complainant prays therefore that the notes secured by Deed of Trust, aggregating \$746.51, be decreed to be her property; that she may be permitted to file a copy of the said assignment with papers in this cause and withdraw the original paper herewith filed as "Exhibit A".

And that your complainant may have all such further and other and general relief in the premises, as the nature of her case may require or to equity shall seem meet.

A. M. Wagner by Counsel

WAGNER VS. COLEMAN

AND

WAGNER VS. WAGNER.

AMENDED AND SUPPLEMENTAL BILL.

1911 May 17. J. W. S. M.

LAW OFFICES OF
NELMS & McMURRAN
SUITE 401 SILSBY BUILDING
NEWPORT NEWS,
VIRGINIA

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

William A. Wagner et als.

Plaintiffs.

Vs.) In Chancery.

Charles L. Wagner et als.

Defendants.

To the Honorable J. L. McLemore, Judge of said Court.

Your complainants, William A. Wagner and Alice R. Wagner, his wife, Thomas H. Wagner, Grace W. Williams and Howard H. Williams, her husband, humbly complaining, respectfully represent as follows:-

1. James Wagner was, in his lifetime, seised and possessed of certain real estate lying in the County of Nansemond, Virginia, and described as follows:- That certain farm, tract, piece or parcel of land, situate in "Sleepy Hole" Magisterial District in Nansemond County, Virginia, on which the said James Wagner recently resided, and which contains two hundred and eighty-three (283) acres, more or less, and is bounded as follows:- On the East by the lands formerly owned by Jno. G. Peak, now owned by W. H. Brinkley and W. J. Doughtie, on the South by the county road leading from "Sleepy Hole", now Cartwright's Wharf, to Bennett's Pasture; on the South and West by the lands formerly owned by Marmaduke Cartwright, a part of "Sleepy Hole" Farm, and on the West and North by Nansemond River, a part of said farm having been conveyed to said James Wagner by Sallie J. Wright by deed dated the 16th day of June, 1883, and recorded in the Clerk's office of Nansemond County Court in Deed Book 11, page 666, and the remaining part of said farm having been conveyed to said James Wagner by Jno. G. Peak and wife by deed dated the 1st day of August, 1883, and recorded in said Clerk's office in Deed Book 14, page 593, to which deeds reference is hereby made as a part of this bill.

While the the said James Wagner was so seised and possessed of said property, he departed this life on or about the 24th day of January, 1908, intestate. He left a widow, who sometimes writes her name Lelia M. Wagner and sometimes Lelia A. Wagner, and eight children, to-wit :- William A. Wagner, Thomas H. Wagner, Grace W. Williams, Charles L. Wagner, James H. Wagner, Edward M. Wagner, John Wagner and Jefferson A. Wagner, his only heirs at law.

2. John Wagner and Jefferson A. Wagner are infants under the age of twenty-one years. Edward M. Wagner and James H. Wagner are not residents of this state. James H. Wagner has not been heard from recently. He has a wife, Ada McV. Wagner and an only son, James Bruce Wagner, residing in the City of Newport News, Virginia.

3. The said real estate, as your complainants believe, is susceptible of partition among the parties entitled thereto in the manner prescribed by law; but should the property not be divisible in kind, your complainants believe, and here state, that the interests of those who are entitled to the said real estate, or its proceeds, will be promoted by a sale of the whole of the same, or by an allotment of part and the sale of the residue.

In consideration whereof, and forasmuch as your complainants are remediless in the premises save by the aid of a court of equity, they pray that the said Charles L. Wagner, Lelia A. Wagner, James H. Wagner and Ada McV. Wagner, his wife, Edward M. Wagner, John Wagner, Jefferson A. Wagner, and James Bruce Wagner be made parties defendant to this bill and required to answer the same, but answer under oath is expressly waived, the said adults in their own proper persons, and the said infants by guardian ad litem; that a proper guardian ad litem be

appointed in this cause for said infants, who shall also answer this bill; that proper process issue; that the said real estate be divided among the parties entitled thereto, or, if it cannot be so divided, that it may be sold and the proceeds divided among the adult and infant parties according to their respective rights, the shares of the infants to be held as directed by the statute for such cases made and provided; that the dower interest in said land be assigned to the widow or commuted to her in money as she may elect; that other proper orders and decrees be made, accounts taken and inquiries directed, and that your complainants may have all such further, other and general relief in the premises as the nature of their case may require or to equity may seem meet.

And your complainants will ever pray, etc.

Wm. A. Wagner.

Allice R. Wagner,

Thomas H. Wagner.

Grace W. Williams,

Howard F. Williams

By B. W. Boleman }

Thos. H. Wagner & Counsel.

IN THE CIRCUIT COURT OF
NANSEMOND COUNTY.

William A. Wagner et als.

Vs.) In Chancery.

Charles L. Wagner et als.

BILL.

C. W. COLEMAN
ATTORNEY AT LAW
KIRN BUILDING, PORTSMOUTH, VA.

Wm A Wagner
vs Chancery
Charles L Wagner & others

1908 May 12th Process issued returnable to
May Rules Third Monday.

" " 15 Order of Publication vs
non-resident defendants

" " 18 Process returned executed on
home defendant's Bill filed
and decree nisi vs them

" June 20 Set for hearing on order of
Publication.

Chancery Notes

Wagner, Wm. A. & al.
vs }

Wagner, Chas. L. & al.