1922-001
Nansemond Co(Suffolk) Chancery Causes: Genevra Oliver et al vs Elma Oliver, infant

Gaskins, Bartlett, Councill, Wright, Gray

STATE OF VIRGINIA,

COUNTY OF NANSEMOND, To-wit:

I, Genevra Oliver, the mother of Elma Oliver, being duly sworn, make oath that Elma Oliver, the daughter of Nathaniel J. Oliver and this deponent, became twenty-one years of age on the 10th day of June, 1922.

Genevra Oliver

STATE OF VIRGINIA,

COUNTY OF NANSEMOND, To-wit:

I, Chas. B. Godwin, Jr., a Notary Public in and for the County aforesaid, in the State of Virginia, hereby certify that Genevra Oliver personally appeared before me in my County aforesaid and being duly sworn made oath that Elma Oliver, the daughter of Nathaniel J. Oliver and the deponent, became twenty-one years of age on the 10th day of June, 1922.

Given under my hand this 10th day of June, 1922.

My commission expires on the 14th day of April, 1926.

Chas. B. Godwin, Jr.
Notary Public.

1922 June 16. Fri.
J.L.M.

Geneva Alvis and Elsie Larkin et al

v.

Elma Alvis, an infant.

This day this cause came on again to be heard upon the papers formerly read, and it appearing to the Court that Elma Alvis ~~an~~ the infant defendant requires the sum of $200, to enable her to complete the year at college in Harrisonburg Va. it is ordered that Mrs Geneva Alvis, mother aforesaid Elma Alvis, draw her check upon the fund to the credit of the cause in the National Bank of Suffolk for the said sum of $200, and this shall be authority for the said bank to pay said check and charge same to the account of said Chancery cause

Olivers Exrs.

v. Duree

Olivers Exrs etc.

Entered April 15, 1922

Jas. L McSimons

#5-79 384

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Genevra Oliver,
Elsie Gaskins and
James H. Gaskins, ... Complainants.

v.

Elma Oliver, an infant
under the age of 21 years, ... Defendant.

It appearing from the petition of Genevra Oliver, this day filed, that funds are needed for the education, maintenance and support of the defendant, Elma Oliver, it is ordered that the National Bank of Suffolk, Suffolk, Virginia, pay to Genevra Oliver, the mother of the said Elma Oliver, the sum of Five Hundred ($500.00) Dollars out of the funds now held by the said bank for the benefit of said Elma Oliver, the said sum of Five Hundred ($500.00) Dollars, to be used by the said Genevra Oliver for the education, maintenance and support of the said Elma Oliver.

VIRGINIA:

IN THE CIRCUIT COURT
OF HENRICO COUNTY.

Genevra Oliver,
Elsie Gaskins and
James E. Gaskins

v.

Elma Oliver, an infant
under the age of 21 years

DECREE

Entered Sept 19. 1911

J. L. McCormack

Entered in Chancery
Order Book No. 5,
page 357.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Genevra Oliver,
Elsie Gaskins and
James M. Gaskins, ... Complainants

v.

Elma Oliver, an infant
under the age of 21 years. . . . . Defendant

TO THE HONORABLE JAMES L. McINHORN, JUDGE OF THE CIRCUIT COURT:

Inasmuch as I am in need of funds for the education, maintenance and support of my infant daughter, Elma Oliver, I hereby respectfully petition the Court to authorize the National Bank of Suffolk, Suffolk, Virginia, to pay over to me the sum of Five Hundred ($500.00) Dollars out of the funds belonging to my said daughter, same to be used by me for her education, maintenance and support, as aforesaid.

Given under my hand this 19th day of September, 1921.

Genevra Oliver

VIRGINIA:

IN THE CIRCUIT
COURT OF NANSEMOND COUNTY.

Genevra Oliver,
Elsie Gaskins and
James H. Gaskins

v.

Elma Oliver, an infant
under the age of 21 years.

PETITION

1921 Sept 19th Filed.
J.L.M

Purchase Price 20,000.00

Taxes 1920	38.85	
Option	5.00	
Stamps on Comm's deed	20.00	63.85

3 | 19,936.15

6645.38
.06

398.7228
9.988

31897824
31897824
3.5885052
3588505 2

Dower 3982.44332 64

19,936.15
Dower 3,982.45

2 | 15,953.70

Elsie 7,976.85
Elma 7,976.85
Dower 3,982.45

19,936.15

DEPOSITED IN

National Bank of Suffolk

SUFFOLK, VA.

By Circuit Court of Nansemond Co. in chancery suit of Geneva Oliver et als vs. Elmer Oliver - Sept 29 1920.

PLEASE LIST EACH CHECK SEPARATELY.

	DOLLARS	CENTS
CURRENCY		
GOLD		
SILVER		
CHECKS: Name of Paying Bank	20,000	00

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Genevra Oliver,
Elsie Gaskins and
James H. Gaskins, Complainants.

v.

Elma Oliver, an infant
under the age of 21 years, Defendant.

The undersigned, James H. Corbitt, Special Commissioner appointed by a decree entered in this cause September 29, 1920, respectfully reports that all costs of these proceedings have been paid and that there has been delivered to him a certificate showing that the City of Norfolk, on September 29, 1920, deposited in the National Bank of Suffolk, Suffolk, Virginia, the sum of Twenty Thousand ($20,000.00) Dollars to the credit of the Court in this cause, which certificate is hereunto annexed and marked "Exhibit A", and that pursuant to the aforesaid decree he has executed and delivered to the City of Norfolk a deed conveying to it, with special warranty, the land described in the decree aforesaid.

The report of M. Anderson Maxey, Commissioner in Chancery, filed September 18, 1920, shows that in calculating the interest of each of the parties in the aforesaid sum of Twenty Thousand ($20,000.00) Dollars, he deducted therefrom Thirty-Eight and 85/100 Dollars ($38.85) taxes for 1920. In addition to this amount there should also be deducted from the aforesaid sum of Twenty Thousand ($20,000.00) Dollars, Five ($5.00) Dollars paid to the complainants when the option was taken by the City of Norfolk, which amount it was understood should be deducted from the purchase price; and also deducted

Twenty ($20.00) Dollars paid by the Special Commissioner for war revenue stamps on the deed from him to the City of Norfolk, making the total deductions, which should be made from the Twenty Thousand ($20,000.00) Dollars, of Sixty-Three and 85/100 Dollars ($63.85). The widow, Genevra Oliver, is fifty-three years of age and the interest of the several parties is as follows:

Purchase price		$20,000.00
Less total deductions itemized above		63.85
		$19,936.15
Genevra Oliver's commuted dower	$3982.45	
Elsie Gaskins' one-half interest after deducting dower	7976.85	
Elma Oliver's one-half interest after deducting dower	7976.85	
	$19,936.15	$19,936.15

The Commissioner is advised that Elsie Gaskins is very anxious that the amount due her be paid as soon as possible, and he respectfully recommends that a decree be entered paying the said sum of Seven Thousand, Nine Hundred, Seventy-Six and 85/100 Dollars ($7,976.85) to Elsie Gaskins, and the sum of Three Thousand, Nine Hundred, Eighty-Two and 45/100 Dollars ($3982.45) to Genevra Oliver, and that the sum of Seven Thousand, Nine Hundred, Seventy-Six and 85/100 Dollars ($7,976.85) belonging to the infant, Elma Oliver, be held subject to the further orders of the Court.

James H. Barlett
Special Commissioner.

Oct. 22, 1920.

VIRGINIA:

IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

Genevra Oliver,
Elsie Gaskins and
James H. Gaskins.

v.

Elma Oliver, an infant
under the age of 21 years.

COMMISSIONER'S REPORT.

1920. Octo. 13 filed
JLM

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Genevra Oliver,
Elsie Gaskins and
James H. Gaskins, Complainants.

v.

Elma Oliver, an infant
under the age of 21 years, Defendant.

This cause came on this day to be again heard on the papers formerly read, the report of M. Anderson Maxey, Commissioner in Chancery, and Exhibits filed herewith, said report being dated August 16, 1920, and filed in the Clerk's Office of this Court on September 18, 1920, to which no exception is taken and was argued by counsel.

ON CONSIDERATION WHEREOF, it appearing to the Court from said report that the value of the land described in the bill is Ten Thousand Dollars ($10,000) and that its net annual value is very small compared with its fee simple value, that the same cannot be conveniently divided in kind among the several parties entitled to share therein, that no party will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to, that the interest of those who are entitled to said land will be promoted by a sale of said property, and that the City of Norfolk, a municipal corporation, has made a written offer to pay the costs of this suit, and Twenty Thousand Dollars ($20,000) cash, for said property, the possession of the buildings and tillable land not to be given until January 1, 1921, but with the right to the City of Norfolk of ingress and egress over and across the tillable land by paying a reasonable damage, if any, to crops thereon, and the Commissioner having recommended that the offer be accepted, the Court doth adjudge, order and decree that the offer of the City of Norfolk

to pay costs of this suit and Twenty Thousand Dollars ($20,000) cash, for the land described in said bill be accepted, the said land being that which was conveyed to Nathaniel J. Oliver by Genevra Oliver, by deed dated December 13, 1905, admitted to record in the Clerk's Office of the Circuit Court of Nansemond County, September 10, 1906, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, in Deed Book 62, page 151, and described in said deed as follows:

> "All that certain tract of land in Chuckatuck Magisterial District in Nansemond County Virginia containing by actual survey one hundred and seventy one acres although in the deed conveying same to said Robert J. Bartlett said to contain one hundred acres more or less bounded by the lands of J. T. Fley and Aaron Archer on the east, on the North by Scott's Creek, on the South by the County road leading from Providence Church to Phillips Mill Pond and on the West by the lands of Wortley A. Nelms and being same land sold and conveyed to said Robert J. Bartlett by Camilla T. Councill by deed recorded in Nansemond County Clerk's Office reference to which deed is hereby made for the description of same therein contained. (See Deed Book No. 1, page 114)
>
> "But the said land is sold in gross and not by the acre, the intention being to sell all said land embraced in said tract conveyed to said Robert J. Bartlett as aforesaid."

and that James H. Corbitt, who is hereby appointed a Special Commissioner for the purpose, shall, upon evidence that all costs of these proceedings have been paid and upon delivery to him of a certificate showing that the City of Norfolk has deposited in the National Bank of Suffolk, Suffolk, Virginia, the sum of Twenty Thousand Dollars ($20,000.00) to the credit of the court in this cause, execute and deliver to the City of Norfolk a deed conveying the said land to it, with Special Warranty.

And the said Special Commissioner shall report to the Court.

VIRGINIA:

IN THE CIRCUIT

COURT OF NANSEMOND COUNTY.

Genevra Oliver, et als.,

v.

Elma Oliver

DECREE

Enter Sept. 29. 1920
J. D. Wilcox

#s-79.252

1.00

Genevra Oliver,
Elsie Gaskins and
James H. Gaskins.

v.

Elma Oliver, an infant
under the age of 21 years.

DECREE OF REFERENCE.

This day came Genevra Oliver, Elsie Gaskins and James H. Gaskins, and by leave of court filed their bill; and on their motion W. P. Lipscomb, a discreet and competent attorney at law, is assigned as the guardian ad litem to the infant respondent, Elma Oliver, to defend her interests in this suit; and thereupon the said guardian ad litem filed the answer of the said infant respondent to the bill of the complainants to which said answer the complainants replied generally: and thereupon by consent of all parties ~~by counsel~~ by Counsel this cause is set for hearing and docketed; and by like consent ~~they~~ it came on this day to be heard on the bill of complaint, the answer of the infant respondent to the said bill and the general replication of the complainants to the said answer and was argued by counsel.

In consideration whereof the court doth adjudge, order and decree that this cause be referred to one of the commissioners of this court, who is directed to inquire and report to the court as follows:

1. An account of the real estate of which Nathaniel J. Oliver died, seized and possessed, and its annual and fee simple value.

2. Whether the real estate mentioned in the bill may be conveniently divided in kind among the parties entitled to share therein.

3. If the same cannot be conveniently divided in kind,

whether either party will take the entire property and pay therefor unto the other party such sum of money as their interests may entitle them to.

4. If the same cannot be conveniently divided in kind, and if no party will take the entire property and pay the others for their share therein, whether the interests of those who are entitled to the said property, or to its proceeds, will be promoted by the sale of the entire property or by an allotment of part and a sale of the residue.

5. Whether there are any delinquent taxes against the said property or other liens against the same or against the interests of the parties who are entitled to share therein.

6. Whether all the parties interested are properly before the court and their respective shares and interests in the property to be partitioned.

Which several inquiries, the commissioner shall make and report to the court, together with any matter specially stated deemed pertinent by himself or required by any party to be so stated.

By consent of the complainants in person and the infant respondent by her guardian ad litem, this cause is submitted to the Judge of this court for such decision and decree, judgment or order therein, in vacation as might be made in term.

VIRGINIA:

IN THE CIRCUIT COURT

OF NANSEMOND COUNTY.

Genevra Oliver, Elsie Gaskins and James H. Gaskins.

v.

Elma Oliver.

DECREE OF REFERENCE.

No. 5 Pg. 281

We consent to the within decree.

Genevra Oliver

Elsie Gaskins

James H. Gaskins

W. P. Lipscomb.

Guardian ad litem for Infant Respondent.

Entered July 28. 1920

Jas L. W. Lyons

54

Genevra Oliver,
Elsie Gaskins and
James H. Gaskins, Complainants.

v.

Elma Oliver, an infant
under the age of 21 years. Defendant.

This cause came on this day to be again heard on the papers formerly read and the report of James H. Corbitt, Special Commissioner, this day filed, to which no exception is taken, and was argued by counsel.

ON CONSIDERATION WHEREOF, it appearing to the Court from the said report that all costs of these proceedings have been paid and that there has been delivered to the Special Commissioner a certificate showing that the City of Norfolk, on September 29, 1920, deposited in the National Bank of Suffolk, Suffolk, Virginia, the sum of Twenty Thousand ($20,000.00) Dollars to the credit of the Court in this cause, which certificate marked "Exhibit A" is annexed to and made a part of the report of the Special Commissioner, and that pursuant to the decree entered herein on September 29, 1920, the Special Commissioner has executed and delivered to the City of Norfolk a deed conveying to it, with special warranty, the land described in the said decree, it is ordered, adjudged and decreed that the report and acts of the said Commissioner be, and the same hereby are, confirmed.

And it further appearing from the report of the said James H. Corbitt, Special Commissioner, that in addition to the Thirty-Eight and 85/100 Dollars ($38.85) taxes for 1920, mentioned in the report of M. Anderson Maxey, Commissioner in Chancery, filed September 18, 1920, there should be paid out

of the Twenty Thousand ($20,000.00) Dollars deposited to the credit of the Court in this cause, the sum of Five ($5.00) Dollars paid to the complainants by the City of Norfolk for an option taken upon the aforesaid property, and the sum of Twenty ($20.00) Dollars paid by the Special Commissioner for war revenue stamps on the deed from him to the City of Norfolk, making total payments of Sixty-Three and 85/100 Dollars ($63.85) which should be made out of the Twenty Thousand ($20,000.00) Dollars before determining the interests of the several parties therein, and that the widow, Genevra Oliver, is fifty-three years of age, and that all the parties in interest desire her dower commuted and paid to her in cash and that the interest of the several parties, when the said dower is commuted, is as follows:

Purchase price		$20,000.00
Less total deductions itemized above		63.85
		$19,936.15
Genevra Oliver's commuted dower	$3982.45	
Elsie Gaskins' one-half interest after deducting dower	7976.85	
Elma Oliver's one-half interest after deducting dower	7976.85	
	$19,936.15	$19,936.15

and it further appearing that the complainant, Elsie Gaskins, desires that the amount due her be paid, the Court doth order, adjudge and decree that the National Bank of Suffolk, Suffolk, Virginia, do, out of the funds referred to, make payments as follows:

To the City of Norfolk for refund amount paid for option	$ 5.00
To James H. Corbitt, Special Commissioner, for war revenue stamps put on deed to purchaser . . .	20.00

To Caleb Fulgham, Treasurer of Nansemond County, for 1920 taxes . . . $ 38.85

To Genevra Oliver for her commuted dower interest 3,982.45

To Elsie Gaskins for her interest 7,976.85

It is further ordered that the interest of Elma Oliver, amounting to Seven Thousand, Nine Hundred, Seventy-Six and 85/100 Dollars ($7,976.85) be held by the said Bank subject to the further order of the Court.

Genevra Oliver,
Elsie Gaskins and
James N. Gaskins,

v.

Elma Oliver, an infant
under the age of 21 years.

DECREE

Entd Octo. 13, 1920.
Jas. L. McLemore
#5- Fg. 302

COMMISSIONER'S REPORT.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Genevra Oliver,
Elsie Gaskins and
James H. Gaskins. . . . . .Complainants

v.

Elma Oliver, an infant
under the age of 21 years. . . . . ..Defendant.

Commissioner's Office,

Suffolk, Va., Aug. 16, 1920.

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

In pursuance of a decree of your Honor's court, entered in the suit of which the above is the general style, on the 28th day of July, 1920, I gave notice to the parties that on the 11th day of August, 1920, at 10 o'clock a.m., and at the offices of James H. Corbitt, Esq., in the City of Suffolk, Virginia, I should proceed to execute the said decree. The said notice, with service of same acknowledged by the complainants and by the guardian ad litem of the infant defendant, is herewith returned.

I attended at the time and place so appointed and took the depositions of M. C. Wright and N. T. Gray. The said depositions are returned herewith. After consideration of the same, together with the pleadings in the cause, I respectfully report:-

1. Nathaniel J. Oliver, on January 24, 1907, died, seized and possessed of certain real estate lying in the County of Nansemond conveyed to him by Genevra Oliver by deed dated December 13, 1905, admitted to record in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, September 10, 1906, and recorded in said office in Deed Book 62, page 151, and described in said deed

as follows:

> "All that certain tract of land in Chuckatuck Magisterial District in Nansemond County Virginia containing by actual survey one hundred and seventy one acres although in the deed conveying same to said Robert J. Bartlett said to contain one hundred acres more or less bounded by the lands of J. T. Eley and Aaron Archer on the east, on the North by Scott's Creek, on the South by the County road leading from Providence Church to Phillips Mill Pond and on the West by the lands of Wortley A. Nelms and being same land sold and conveyed to said Robert J. Bartlett by Camilla T. Councill by deed recorded in Nansemond County Clerk's Office reference to which deed is hereby made for the description of same therein contained. (See Deed Book No. 1, page 114)
>
> "But the said land is sold in gross and not by the acre, the intention being to sell all said land embraced in said tract conveyed to said Robert J. Bartlett as aforesaid."

The fee simple value of said red estate is from Nine Thousand ($9,000.00) Dollars to Ten Thousand ($10,000.00) Dollars, and its annual value is from Two Hundred and Fifty ($250.00) Dollars to Five Hundred ($500.00) Dollars.

2. The real estate mentioned in the bill cannot be conveniently divided in kind among the parties entitled to share therein.

3. That no party entitled to share therein will take the entire property and pay therefor unto the others such sums of money as their interests may entitle them to.

4. The interests of those who are entitled to the said property, or to its proceeds, will be promoted by the sale of the entire property.

5. There are no delinquent taxes against the said property and no liens against the same or against the interests of the parties who are entitled to share therein.

The tax levy for the year 1920 has not yet been made by the Board of Supervisors, but your commissioner is advised by T. W. Artman, Deputy Treasurer of Nansemond County, that the rate will probably be $1.75 per hundred dollars. The property is assessed

at $2,220.00 and at the above rate of $1.75, the 1920 taxes will be $38.85.

6. All parties interested are properly before the Court and their respective shares and interests in the property to be partitioned are as follows:

Genevra Oliver, widow of Nathaniel J. Oliver, deceased, is entitled to dower in the above described property.

Elsie Gaskins, formerly Oliver, and Elma Oliver, children of Nathaniel J. Oliver, deceased, are each entitled to an equal share in the above described property, less the widow's dower.

Your Commissioner reports specially that the City of Norfolk, a municipal corporation, has made a written offer to pay the costs of this suit and Twenty Thousand Dollars ($20,000.00) cash, for the said real estate. Possession of the buildings and tillable land may be retained by the vendor until January 1st, 1921, but with the right to the City of Norfolk of ingress and egress, prior to January 1st, 1921, over and across the tillable land, by paying a reasonable damage, if any, to crops thereon. The aforesaid offer is filed herewith marked Exhibit "A".

Genevra Oliver, widow of Nathaniel J. Oliver, deceased, is fifty-three years of age and requests that her dower be commuted and its value paid to her in cash, as will appear by reference to a paper filed herewith marked Exhibit "B". Her commuted dower interest in the above described property valued at $19,961.15, (which is $20,000.00, the amount offered by the City of Norfolk for this property, less $38.85 the taxes for 1920), will be $3,987.44.

The interest of Elsie Gaskins, formerly Oliver, a daughter of Nathaneil J. Oliver, deceased, is one-half (1/2) of the above described property, less the widow's dower, which she requests to be commuted and paid to her mother in cash, as will appear by reference to a paper filed herewith marked Exhibit "C". The in-

terest of Elsie Gaskins in the above described property based on the above mentioned offer from the City of Norfolk will be $7,986.85.

The interest of Elma Oliver, a daughter of Nathaniel J. Oliver, deceased, is one-half (1/2) of the above described property, less the widow's dower. Her interest in the above described property based on the offer from the City of Norfolk will be $7,986.86.

Your Commissioner recommends that this offer from the City of Norfolk be accepted.

Respectfully submitted,

M. Anderson Massey
Commissioner.

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

To

Genevra Oliver,
Elsie Gaskins and
James H. Gaskins. . . . . .Complainants

and

Elma Oliver . . . . . .Defendant.

You are hereby notified that on Wednesday, the 11th day of August, 1920, at the offices of James H. Corbitt, in the City of Suffolk, Virginia, at 10 o'clock A.M., (at which time and place you are required to attend) I shall take, state and settle the following account which are to be taken, stated and settled and reported to Court in pursuance of a decree of the Circuit Court of Nansemond County, Virginia, rendered on the 28th day of July, 1920, in the suit in Chancdsry pending in said Court, to which you are parties plaintiff and defendant, to-wit:

"1. An account of the real estate of which Nathaniel J. Oliver died, seized and possessed, and its annual and fee simple value.

2. Whether the real estate mentioned in the bill may be conveniently divided in kind among the parties entitled to share therein.

3. If the same cannot be conveniently divided in kind, whether either party will take the entire property and pay therefor unto the other party such sum of money as their interests may entitle them to.

4. If the same cannot be conveniently divided in kind, and if no party will take the entire property and pay the others for their share therein, whether the interests of those who are entitled to the said property, or to its proceeds, will be

promoted by the sale of the entire property or by an allotment of part and a sale of the residue.

5. Whether there are any delinquent taxes against the said property or other liens against the same or against the interests of the parties who are entitled to share therein.

6. Whether all the parties interested are properly before the court and their respective shares and interests in the property to be partitioned.

Which several inquiries the commissioner shall make and report to the court, together with any matter specially stated deemed pertinent by himself or required by any party to be so stated."

Given under my hand as Commissioner in Chancery of said Court this 28th day of July, 1920.

M. Anderson Massey

Commissioner in Chancery

Sufficient and legal service of the above notice is hereby accepted by us.

Genevra Oliver

Elsie Jackins

James H. Jackins

W. P. Lipscomb.

Guardian ad litem for the infant defendant.

Mr. M. C. Wright being duly sworn testified as follows:

Please state your name, age, residence and occupation.

A. M. C. Wright, 59, Nansemond County, Farmer.

Q. Are you familiar with the tract of land mentioned in the bill in the matter of Genevra Oliver, Elsie Gaskins, and James Gaskins v. Elma Oliver?

A. Yes, sir, I know of it.

Q. What do you consider as a fair fee simple value of this land?

A. I should think $10,000 would be a good price for it at the present time.

Q. What do you consider a fair annual value for this land?

A. At the present time I suppose it would rent for $500.00 a year.

Q. Do you consider the real estate mentioned in the bill in this cause susceptible of partition among the several parties entitled to share therein?

A. I do not think it could be conveniently divided to put farms there.

Q. Why?

A. The farm is so situated that it could not be cut up into three or more parts.

Q. Do you know whether either party will take the entire property, and pay therefor unto the other party, such sum of money as their interest may entitle them to?

A. I do not know.

Q. Do you consider the interest of those who are entitled to share in this property or its proceeds will be promoted by the sale of the entire property.

A. I think so.

Q. Were you acquainted with Mr. Nathaniel J. Oliver during his life time?

A. Yes, sir.

Q. Who are his heirs at law?

A. He left a widow, Genevra Oliver, and two children, Elma Oliver and Elsie Oliver, who married James Gaskins.

Q. Are these all of the heirs at law of Nathaniel J. Oliver?

A. I think they are, so far as I know.

Q. What is the interest of Elma Oliver, the infant defendant, in this property?

A. One-half, less the widow's dower.

And further this deponent saith not.

M L Wright

Mr. N. T. Gray being duly sworn testified as follows:

Please state your name, age, residence and occupation.

A. N. T. Gray, 34, Nansemond County, Farmer.

Q. Are you familiar with the tract of land mentioned in the bill in the matter of Genevra Oliver, Elsie Gaskins, and James Gaskins v. Elma Oliver?

A. I should say I was fairly familiar.

Q. What do you consider as a fair fee simple value of this land?

A. About $9,000 would be a good price for it.

Q. What do you consider a fair annual value for this land?

A. I do not consider that, in the condition it is in, it would rent for more than $250.00 a year.

Q. Do you consider the real estate mentioned in the bill in this cause susceptible of partition among the several parties entitled to share therein?

A. I consider it would be difficult.

Q. Why?

A. On account of the lay or situation of the land.

Q. Do you know whether either party will take the entire property, and pay therefor unto the other party, such sum of money as their interest may entitle them to?

A. I do not know.

Q. Do you consider the interest of those who are entitled to share in this property or its proceeds will be promoted by the sale of the entire property.

A. I do think it will be promoted.

Q. Please state whether there are any delinquent taxes against this property or not.

A. I do not know.

Q. Were you acquainted with Mr. Nathaniel J. Oliver during his life time?

A. I was.

Q. Who are his heirs at law?

A. His wife and two daughters are all that I know of.

Q. Are these all of the heirs at law of Nathaniel J. Oliver?

A. All that I know of.

Q. What is the interest of Elma Oliver, the infant defendant in this property?

A. One-half, less the widow's dower.

And further this deponent saith not.

H. T. Gray

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Genevra Oliver,
Elsie Gaskins, and
James H. Gaskins.....Complainants.

v.

Elma Oliver, an infant
under the age of 21 years.....Defendant.

To the Honorable James L. McLemore, Judge.

The City of Norfolk, a municipal corporation, hereby offers to pay the costs of this suit and Twenty Thousand Dollars ($20,000.00) for the real estate conveyed to Nathaniel J. Oliver by Genevra Oliver, by deed dated December 13th, 1905, admitted to record in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, September 10th, 1906, and recorded in said Office in Deed Book 62, page 151. The said real estate is bounded and described as follows:

> "All that certain tract of land in Chuckatuck Magisterial District in Nansemond County Virginia containing by actual survey one hundred and seventy one acres although in the deed conveying same to said Robert H. Bartlett said to contain one hundred acres more or less bounded by the lands of J. T. Fley and Aaron Archer on the east, on the North by Scott's Creek, on the South by the County road leading from Providence Church to Phillips Mill Pond and on the West by the lands of Wortley A. Nelms and being same land sold and conveyed to said Robert J. Bartlett by Camilla T. Councill by deed recorded in Nansemond County Clerk's Office reference to which deed is hereby made for the description of same therein contained. (See Deed Book No. 1, page 114)"

Possession of the buildings and tillable land may be retained by the vendor until January 1, 1921, but with the right to the City of Norfolk of ingress and egress prior to January 1, 1921, over and across the tillable land by paying a reasonable damage, if any, to crops thereon.

Exhibit "A"

The said Twenty Thousand Dollars ($20,000.00) will be paid in cash upon delivery of a proper deed to the property, should the Court accept said offer and direct the delivery of the said deed.

CITY OF NORFOLK,

By C B Godwin Mgr

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Genevra Oliver,
Elsie Gaskins and
James H. Gaskins .....Complainants.

V.

Elma Oliver, an infant
under the age of 21 years.....Defendant.

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

I am the widow of Nathaniel J. Oliver, deceased. My last birthday was the 2nd day of July, 1920, at which time I was 53 years of age.

No party interested in the farm left by Nathaniel J. Oliver is willing to take the entire property and pay to the others such sums as their interest may entitle them to but desire the property sold and the proceeds derived from sale divided among those entitled thereto. In the event of a sale I ask that my dower be commuted and its value be paid to me in cash.

Genevra Oliver

Exhibit "B."

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Genevra Oliver,
Elsie Gaskins and
James H. Gaskins . . . . . .Complainants.

V.

Elma Oliver, an infant under
the age of 21 years. . . . . Defendant.

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

I am one of the children of Nathaniel J. Oliver, deceased. No party interested in the farm left by my father is willing to take the entire property and pay to the others such sums as their interests may entitle them to but desire the property sold and the proceeds derived from sale divided among those entitled thereto. In the event of sale I ask that my mother's dower be commuted and its value be paid to her in cash.

Elsie Gaskins

Exhibit "C"

VIRGINIA:

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Genevra Oliver et als

v.

Elma Oliver

COMMISSIONER'S REPORT.

filed Sept. 18th, 1920.

E. T. Rountree, Clerk
By Ruby V. Dayton D.C.

Law Offices of
JAMES H. CORBITT
SUFFOLK, VIRGINIA

THE LINDEN PRINTING COMPANY, HARTFORD, CONN

Genevra Oliver,
Elsie Gaskins and
James H. Gaskins.....Complainants.

v.

Elma Oliver, an infant
under the age of 21 years.....Defendant.

This cause came on this day to be again heard on the papers formerly read and upon the sworn petition of Elma Oliver that she became twenty-one years of age on the 10th day of June, 1922, with affidavit thereunto attached of her mother, Genevra Oliver, that the said petitioner became twenty-one years of age on the 10th day of June, 1922, and was argued by counsel.

On consideration whereof, it appearing to the Court from the said petition and affidavit thereto filed, that the said Elma Oliver became twenty-one years of age on the 10th day of June, 1922, and desires that her interest in the land of Nathaniel J. Oliver, deceased, sold under the above proceedings, amounting/ **at this time, inclusive of interest, to $7783.45** now held by the National Bank of Suffolk, subject to the order of the Court, be paid to her, it is ordered, adjudged and decreed that the National Bank of Suffolk, Suffolk, Virginia, do pay over to the said Elma Oliver the said sum of $7783.45, taking her receipt therefor, and make report to Court.

VIRGINIA:

IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

Genevra Oliver,
Elsie Gaskins and
James H. Gaskins,

v.

Elma Oliver, an infant
under the age of 21 years.

ORDER

Entered June 16, 1922

J. L. Whitehurst

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VIRGINIA,

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Genevra Oliver, Elsie Gaskins and James H. Gaskins.	
v.	ANSWER.
Elma Oliver, an infant under the age of 21 years.	

The answer of Elma Oliver, an infant under the age of twenty-one years, by W. P. Lipscomb, her guardian ad litem, appointed to defend her in this suit to a bill of complaint, filed against her in the Circuit Court of Nansemond County, Virginia, by Genevra Oliver, Elsie Gaskins and James H. Gaskins.

This respondent, reserving to herself the benefit of all just exceptions to the said bill of complaint, for answer thereto, or to so much thereof as she is advised that it is material she should answer, by her guardian ad litem, answers and says:

That she is an infant of tender years, and by reason of her infancy is incapable of understanding or of taking care of her rights and interests herein; and that she, therefore, commends herself and her rights and interests to the protection of the court, and prays that no decree may be entered that would tend to her prejudice.

And now, having fully answered the complainant's bill, this respondent prays to be hence dismissed with her reasonable costs by her in this behalf expended.

W. P. Lipscomb
Counsel.

W. P. Lipscomb.
Guardian ad litem for Elma Oliver,
Infant Respondent.

VIRGINIA,

IN THE CIRCUIT COURT

OF HANSEMOND COUNTY.

Genevra Oliver,
Elsie Gaskins and
James H. Gaskins.

v.

Elma Oliver.

ANSWER.

1920. July 28. filed
J.L.M.

VIRGINIA,

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

Genevra Oliver, Elsie Gaskins and James H Gaskins.	
v.	BILL.
Elma Oliver, an infant under the age of 21 years.	

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

Your complainants, Genevra Oliver, Elsie Gaskins and James H. Gaskins, respectfully represent:

1. That Nathaniel J. Oliver was, in his life time, seized and possessed of certain real estate lying in the County of Nansemond conveyed to him by Genevra Oliver by deed dated December 13, 1905, admitted to record in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, September 10, 1906, and recorded in said office in Deed Book 62, page 151, and described in said deed as follows:

> "All that certain tract of land in Chuckatuck Magisterial District in Nansemond County Virginia containing by actual survey one hundred and seventy one acres although in the deed conveying same to said Robert J. Bartlett said to contain one hundred acres more or less bounded by the lands of J. T. Eley and Aaron Archer on the east, on the North by Scott's Creek, on the South by the County road leading from Providence Church to Phillips Mill Pond and on the West by the lands of Wortley A. Nelms and being same land sold and conveyed to said Robert J. Bartlett by Camilla T. Councill by deed recorded in Nansemond County Clerk's Office reference to which deed is hereby made for the description of same therein contained (See Deed Book No. 1, page 114)
>
> But the said land is sold in gross and not by the acre, the intention being to sell all said land embraced in said tract conveyed to said Robert J. Bartlett as aforesaid.

But the said party of the first part retains and reserves such rights and interests in said property, contingent or otherwise, as she might or would have as the wife or widow of the said N. J. Oliver."

and while so seized and possessed, the said Nathaniel J. Oliver, on or about the 24th day of January , 1907 , died intestate, leaving your complainant, Genevra Oliver, his widow, and two daughters, Elsie Oliver, now Elsie Gaskins, your complainant, being the wife of James H. Gaskins, another complainant, and Elma Oliver, his only children and heirs at law.

2. That the said Elma Oliver is an infant under the age of twenty-one years.

3. That the said real estate is, as your complainants believe, susceptible of partition among the parties entitled thereto; but should the property not be divisible in kind, 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 Elma Oliver may be made party defendant to this bill and required, but not on her oath, to answer the same, the oath being hereby waived, the infant by guardian ad litem; that a proper guardian ad litem be appointed in this cause for said infant, who shall also answer this bill; that proper process issue; that the said real estate be divided between the parties entitled thereto, or else, 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 share of the infant to be held as directed by statute for such cases made and provided; that all proper orders and decrees may be made,

accounts taken, and inquiries directed; and that your complainants may have all such further and other and general relief in the premises as the nature of their case may require, or to equity shall seem meet.

Geneva Shiver

Elsie Gaskins

James H. Gaskins

Complainants.

James H. Barlett

Counsel.

VIRGINIA:
IN THE CIRCUIT COURT
OF NANSEMOND COUNTY.

Genevra Oliver, et als

v.

Elma Oliver.

BILL.

1920 July 28. filed J.S.m.

Law Offices of
JAMES H. CORBITT
SUFFOLK, VIRGINIA

THE LINDEN PRINTING COMPANY, HARTFORD, CONN