1923-001
Nansemond Co (Suffolk) Chancery Causes: G.N. Gardner et al vs E B. Gardner et al

Jones, Saunders, Fulghum, Bunting, Wagner, Person, Harley

L M Gardner

G. N. Gardner et als.....Complainants.
vs.
E. B. Gardner et als.....Defendants.

$ 1410 79

Received of S. E. Everett, Special Commissioner in the above-styled suit One Thousand Four Hundred & Ten & 79/100 Dollars.

L M Gardner

To - Paid $200.00 " { Rawles + Ewell
To " " 45.08
245.08

1410.79
245.08
$ 1165.71
Check to balance 1165.71

(2)

M. T. Saunders (½ 986)

G. N. Gardner et als.....Complainants.
vs.
E. B. Gardner et als.....Defendants,

$ 705.39/100

Received of S. E. Everett, Special Commissioner in the above-styled suit Seven Hundred and Five 39/100 Dollars.

M. T. Saunders

E. B. Gardner

G. N. Gardner et als.....Complainants.
vs.
E. B. Gardner et als.....Defendants.

$ 1410 79/100

Received of S. E. Everett, Special Commissioner in the above-styled suit One Thousand Four Hundred & Ten 79/100 Dollars.

E B Gardner

To debt due estate $527.25
To Check to balance acct 883.54
$1,410.79

(3)

G.N.Gardner,et als., ... Complainants

vs.

E.B.Gardner, et als., ... Defendants

$_____

Received of S.E.Everett, Special Commissioner in the above styled cause, the sum of _____Dollars.

for _____

_____

Lizzie Saunders (206)

G. N. Gardner et als.....Complainents.
vs.
E. B. Gardner et als.....Defendants.

$ 706 39/100

Received of S. E. Everett, Special Commissioner in the above-styled suit Seven Hundred ~~and Five~~ 79/100 Dollars.

Lizzie Saunders

Eva Lee Jones (478)

G.W.Gardner, et als . . . . . .Complainants
vs
E.B.Gardner,et als . . . . . Defendants

Received of S.H.Everett, Special Commissioner in the above styled suit Three Hundred & fifty-two & 70/100 Dollars

Geo Gardner Jones

$352.70

Hinton Gardner (#95)

G.N.Gardner et als. . . . . .Complainants
vs
E.E.Gardner, et als. . . . . Defendants

$ 352 68/100

Received of S.E.Everett, Special Commissioner in the above styled suit Three Hundred & fifty-two & 68/100 Dollars

Hinton Gardner
Per J an Gardner

9

G. N. Gardner et als.....Complainants.
vs.
E. B. Gardner et als.....Defendants.

G. N. Gardner

$ 4,410 79

Received of S. E. Everett, Special Commissioner in the above-styled suit One Thousand, Four Hundred & Ten & 79/100 Dollars.

G. N. Gardner

(1)

J. W. Gardner

G. N. Gardner et als.....Complainants.
vs.
E. B. Gardner.et.als.....Defendants.

$ 1,410 79/100

Received of S. E. Everett, Special Commissioner in the above-styled suit One Thousand Four Hundred & Ten & 79/100 Dollars,

Mathews Claim 75.00
Ck for 1335.79
$1,410.79

J. W. Gardner by Alfred E. Cohen his Atty

L.W. Gardner (4962)

G.N.Gardner,et als . . . . . .Complainants
vs.
E.B.Gardner et als. . . . . .Defendants

$ 352 69/100

Received of S.E.Everett, Special Commissioner in the above styled suit Three Hundred & fifty Two & 69/100 Dollars

Witness:
J M Gardner

L W Gardner

DEPOSITED IN

NATIONAL BANK OF SUFFOLK.

Circuit Court of Nansemond Co. in
By Cause, Gardner vs Gardner

Suffolk, Va. 1/29 1921

SEE THAT ALL CHECKS AND DRAFTS ARE ENDORSED

	Dollars	Cents
CURRENCY		
SILVER		
GOLD		
CHECKS AS FOLLOWS (PLEASE LIST EACH CHECK SEPARATELY)	35	70

P A Jordan Jr.

It is expressly understood and agreed between the National Bank of Suffolk and the depositor using this ticket that all items payable out of this city, whether entered as cash or not, are received merely to be transmitted for collection; that the said bank is authorized to select agents, who shall be the agents of the depositor, to collect the same; and that the said bank shall in no event be responsible to the depositor for the insolvency, or for any negligence, acts, or misconduct of such agents.

EVERETT WADDEY CO. RICHMOND, VA

Mary Lee Gardner (4 96.)

G.N.Gardner, et als-. . . . . Complainants
vs
E.B.Gardner, et als. . . . . Defendants

$ 352 11

Received of S.E.Everett, Special Commissioner in the above styled suit Three Hundred & Fifty-two and 70/100 Dollars

Agreed T. C. in matt. R'ptd.

~~5 7 10~~

10

G.N.Gardner,et als. . . . . Complainants
vs
E.E.Gardner, et als. . . . . Defendants

$ 30 00

Received of S.E.Everett, Special Commissioner in the above styled suit, Thirty and 00/00 Dollars

C.C.Bradley, Clerk

Clerk of Court

G. N. Gardner et als.....Complainants.
vs.
E. B. Gardner et als.....Defendants.

$ 100.

Received of S. E. Everett, Special Commissioner in the above-styled suit One hundred Dollars.

Bradford Kilby
Com. in Chancery

Gardner vs. Gardner.

Suffolk, Va., Aug. 16th, 1918.

$12.50

Received of S. E. Everett, Special Commissioner, twelve dollars and fifty cents ($12.50), in payment of fee for taking depositions in the above case.

Mary D. Andrews

3

G. N. Gardner et als.....Complainants.
vs.
E. B. Gardner et als.....Defendants.

$ 1.00

Received of S. E. Everett, Special Commissioner in the above-styled suit Seven & no/100 Dollars.

Virginia Jones.
Writing deposition.

G. N. Gardner et als..... Complainants.
vs.
E. B. Gardner et als..... Defendants.

$ 13.60

Received of S. E. Everett, Special Commissioner in the above-styled suit Thirteen & 60/100 Dollars.

Virginia Gore
writing depositions

G. N. Gardner et als.....Complainants.
vs.
E. B. Gardner et als.....Defendants.

$ 32.00

Received of S. E. Everett, Special Commissioner in the above-styled suit Thirty Two & 00/100 Dollars.

Board of Spec. Comrs.

James & Lewis
by A.S.R.

5—

Folio

1918

From

TO

Dec 2

Norfolk, Va., Jan 26 1918

M J. E. Everett Special Com.

To Virginian and Pilot Publishing Company, Dr.

ADVERTISING 2 Ins 4 ts	10	75
Sale Prospect Farm		
of Matthew Gardner.		

Received Payment, VIRGINIAN AND PILOT PUBLISHING CO.

Per Mary Tunney

6 – a

Cost'ioner

G. N. Gardner et als.....Complainants.
vs.
E. B. Gardner.et.als.....Defemdants.

$ 25.00

Received of S. E. Everett, Special Commissioner in the above-styled suit Twenty five & 00/100 Dollars,

E. E. Wagner Commissioner

7

Gulf Coast Herald

G. N. Gardner et als.....Complainants.
vs.
E. B. Gardner et als.....Defendants.

$ 8 00

Received of S. E. Everett, Special Commissioner in the above-styled suit Eight Dollars.

Herald Printing Corp'n
Jas. D. Foote

6-B

G. N. Gardner et als.....Complainants.
vs.
E. B. Gardner et als.....Defendants.

$ 502 20

Received of S. E. Everett, Special Commissioner in the above-styled suit Five Hundred + Two + 20/100 Dollars.

H. Hoover Clerk
and Spec Comm'r.

Part #900 Thereof due
Deed S. E. Everett

8-9-10 X 12

G.N. GARDNER, et als. . . . . Complainants

vs

E.B.GArdner, et als., ...Defendants

$3.81

Received of S.E.Everett, Special Commissioner in the above styled cause, the sum of Three & 81/100 Dollars. for Interest on Judgment proceeds allowed Jackie Jane Gardner, purchaser price and purchaser penalty.

S.E. Everett

G. N. Gardner et als.....Complainants.
vs.
E. B. Gardner et als.....Defendants.

Lubricator Co

$ 13 75/100

Received of S. E. Everett, Special Commissioner in the above-styled suit Thirteen and 75/100 Dollars.

Woodward & Elam

13

G. N. Gardner et als.....Complainants.
vs.
E. B. Gardner et als.....Defendants,

$200.00

Received of ~~S. T. Everett, Special Commissioner~~ J.M. Gardner, Editor of Matthews Gardner in the above-styled suit Two Hundred Dollars.

R.H. Rowles
D.E. Ewers

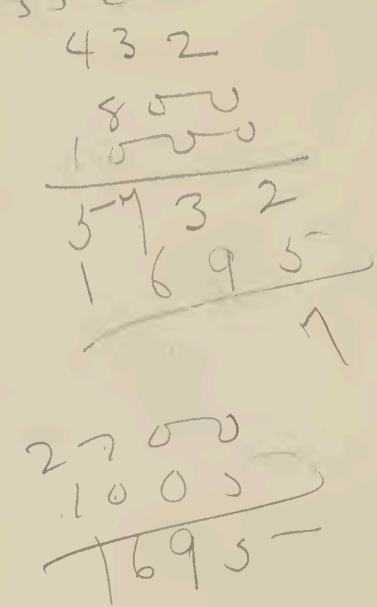
CREDIT S. E. Everett Special Coll

Gardner v Gardner

New note	2900.00	1722.08
Less	1005.00	
	1695.00	
	2.00	
		1668 00
EC on Winslow		432 00
" " Smithfield		3500 00
" " Fars Bill		800 00
" " "		1000 00
		7400 00

Jany 5 1918

NATIONAL BANK OF SUFFOLK



DEPOSITED IN

NATIONAL BANK OF SUFFOLK

By S E Everett Spec Com'r

Suffolk, Va., Dec 8 1917

SEE THAT ALL CHECKS ARE ENDORSED

	Dollars	Cents
Currency		
Gold		
Silver		
Checks as follows PLEASE LIST EACH CHECK SEPARATELY		
	1000	00
Gardner et al		
vs		
Gardner et al		
D/C		
J & R		
	1000	00

It is expressly understood and agreed between the National Bank of Suffolk and the depositor using this ticket that all items payable out of this city, whether entered as cash or not, are received merely to be transmitted for collection; that the said bank is authorized to select agents, who shall be the agents of the depositor, to collect the same; and that the said bank shall in no event be responsible to the depositor for the insolvency, or for any negligence, acts, or misconduct of such agents.

DEPOSITED IN

NATIONAL BANK OF SUFFOLK

By E Everett McAmis

Suffolk, Va., Dec 10 1917

SEE THAT ALL CHECKS ARE ENDORSED

	Dollars	Cents
Currency		
Gold		
Silver		
Checks as follows: PLEASE LIST EACH CHECK SEPARATELY		
	$ 260	00
Farmers et al		
VB		
Farmers et al		
	$ 260	00

It is expressly understood and agreed between the National Bank of Suffolk and the depositor using this ticket that all items payable out of this city, whether entered as cash or not, are received merely to be transmitted for collection; that the said bank is authorized to select agents, who shall be the agents of the depositor, to collect the same; and that the said bank shall in no event be responsible to the depositor for the insolvency, or for any negligence, acts, or misconduct of such agents.

LAW OFFICES

Everett & Hutton

SUFFOLK, VA.

Vouchers

Everett & Hutton

J. M. Gardner, Administrator,

In account with the estate of Matthew Gardner.

1917				
Sept. 4	The Administrator qualified.			
" 4	By cash found in house of Matthew Gardner.			14.69
" 4	" " in Farmers Bank of Nansemond.			275.76
" 4	" " in National Bank of Suffolk.			150.00
" 28	" " from sale of chattels.			76.60
Dec. 31	" " from Lula Young for rent of land.			9.00
" 31	" " from J.L.Holland for rent of farm.			250.00
1917	Disbursements.			
Sept. 4	To paid G.E.Bunting,Clerk,fee on qualification	5.00		
" 4	" " Suffolk Floral Gardens,for flowers,at funeral of deceased.	16.00		
" 4	" " Revs. Billings,Lewis and Butler,for their services at funeral.	6.00		
" 11	" " Jesse Whitley,for services to Admr.	2.50		
" 12	" " the appraisers,their fees.	4.50		
" 17	" " Jos.P.Hall Drug Co. acct.	1.00		
" 18	" " Herald Printing Corporation,acct.	2.00		
" 18	" " Ballard and Smith,acct.	6.25		
" 28	" " J.S. Underwood,Auctioneer.	5.00		
Oct.19	" " Dr.F.J.Morrison,acct.	8.00		
" 19	" " H.J.Bowen and Co. acct.	2.25		
" 20	" " January and Bro. acct.	16.40		
" 20	" " R.W.Baker and Co. funeral expenses.	130.00		
" 20	" " Virginian-Pilot Co. for notice.	4.00		
Nov. 29	" " C.R.Fulgham,Treasurer,1917 taxes.	32.20		
1918				
Feb. 9	" " J.L.Holland,for fertilizer acct.	61.33		
" 9	" " Mrs.J.F.Uzzle,for board.	25.00		
" 9	" " Pearl Underwood,for mattress.	5.00		
" 9	By balance in hands of Admr.to be distributed.	443.62		
		$776.05		$776.05

PENDER, WAY & FOREMAN
ATTORNEYS AND COUNSELLORS AT LAW
CHAMBERLAINE BUILDING
148 GRANBY STREET
NORFOLK, VA.

LUTHER B. WAY
A. HERBERT FOREMAN
WILLIAM C. PENDER

May 2nd, 1921.

Mr. Geo. E. Bunting, Clerk,
Circuit Court Nansemond County,
Suffolk, Virginia.

Dear Sir:-

We beg to advise that we received Saturday the Gardner papers and desire to thank you for sending the same. When we return them if you will advise us the cost for sending them to us we will gladly remit for same.

Yours very truly,

PENDER WAY & FOREMAN,

By A. H. Foreman

Gardner

vs

Barber

TO THE CLERK OF THE CIRCUIT COURT OF NANSEMOND COUNTY;

G. N. Gardner,and Ella J. Gardner,his wife,J. M. Gardner,and Elizabeth Gardner,his wife,J. W. Gardner, and Mattie Gardner,his wife,Julia Gardner,L. W. Gardner,and Cora Gardner Jones,and Herman A. Jones, her husband,Richie Saunders,M. T. Saunders,and Lizzie Saunders.....Complainants.

Vs. in Chancery

E. B. Gardner,and Lillie Gardner,his wife,Hinton Gardner,and Mary Lee Gardner,the last two being under the age of twenty-one years.....Defendants.

Issue summons to Second(Third Monday) Rules in September,1917.

S. E. Everett

----------P. Q.

Memorandum

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon E. B. Gardner and Lillie Gardner, his wife, Hinton Gardner and Mary Lee Gardner, the last two being under the age of twenty-one years

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 Sept. 1917, to answer a Bill in Chancery, exhibited against them

in the said Court by G. N. Gardner and Ella J. Gardner, his wife, J. M. Gardner, and Elizabeth Gardner, his wife, J. W. Gardner and Mattie Gardner, his wife, Julia Gardner, L. W. Gardner, and Cora Gardner Jones and Herman A. Jones, her husband, Richie Saunders, M. T. Saunders and Lizzie Saunders

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 7th day of ~~September~~, 1917, in the 142nd year of the Commonwealth.

~~A Copy--Teste~~:

~~Clerk~~

Teste:

G. E. Bunting, Clerk

By Kate P. Bell, D.C.

Executed this 8 day of Sept, 1917 by delivering a true copy of the within process to E. B. Gardner & Lillie Gardner

in person, in the County of Nansemond, State of Virginia.

Joe H. Brooks Deputy Sheriff

ORIGINAL

S. E. Everett p. q.

G. N. Gardner & als.

vs. } In Chancery

E. B. Gardner & als.

19 17

September Rules

Third Monday.

NANSEMOND COUNTY COURT,

Process Book, No 3

Page

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon E. B. Gardner and Lillie Gardner, his wife, Hinton Gardner and Mary Lee Gardner, the last two being under the age of twenty-one years

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 Sept. 1917, to answer the Bill in Chancery, exhibited against them in the said Court by G. W. Gardner, and Ella J. Gardner, his wife, J. E. Gardner, and Elizabeth Gardner, his wife, J. E. Gardner and Hattie Gardner, his wife, Julia Gardner, L. W. Gardner, and Cora Gardner Jones and Herman A. Jones, her husband, Richie Saunders, H. E. Saunders and Lizzie Saunders

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 7th day of September, 1917, in the 142nd year of the Commonwealth.

A Copy---Teste:

G. E. Bunting Clerk
By Kate P. Bell D.C.

Teste:

G. E. Bunting, Clerk
By Kate P. Bell D.C.

Copy for

Hinton Gardner

---p. q.

vs. } In Chancery

19---

---Rules

---Monday.

NANSEMOND COUNTY COURT,

Process Book, No---

Page---

Executed this ---day of---, 191-- by delivering a true copy of the within process to---

---

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in person, in the County of Nansemond, State of Virginia.

---Sheriff

CHANCERY SUMMONS

The Commonwealth of Virginia.

TO THE SHERIFF OF NANSEMOND COUNTY---GREETING:

You are Hereby Commanded to Summon C. B. Gardner and Ellie Gardner, his wife, Hinton Gardner and Mary L. Gardner, the last two being under the age of twenty-one years

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 Sept. 1917, to answer a Bill in Chancery, exhibited against them

in the said Court by C. B. Gardner, and Ellie J. Gardner, his wife, J. H. Gardner, and Elizabeth Gardner, his wife, J. H. Gardner and Hattie Gardner, his wife, Julia Gardner, L. H. Gardner, and Cora Gardner Jones and Herman A. Jones, her husband, Richie Saunders, H. E. Saunders and Lizzie Saunders

And have then and there this summons.

Witness. G. E. Bunting, Clerk of our said Court, at his office, this 7th day of September, 1917, in the 141st year of the Commonwealth.

A Copy---Teste:

G. E. Bunting Clerk
By Kate P. Bell D.C.

Teste:

G. E. Bunting Clerk
By Kate P. Bell D.C.

Copy for
Mary Lee Gardner

---------p. q.

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vs. } In Chancery

19---

---Rules

---Monday.

NANSEMOND COUNTY COURT,

Process Book, No---

Page---

Executed this---day of---, 191--- by delivering a true copy of the within process to---

---

---

in person, in the County of Nansemond, State of Virginia.

---Sheriff

G. N. Gardner,et als.....Complainants.

Vs.

E. B. Gardner,et als.....Defendants.

On motion of the complainants,G. N. Gardner,et als,John K. Hutton, a discreet and competent Attorney at Law, is assigned guardian ad litem to the infant defendants,Hinton Gardner,and Mary Lee Gardner,to defend their interest in their suit.

G. B. Rowbotham Clerk

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

G. N. Gardner et als.....Complainants

vs. IN CHANCERY

E. B. Gardner et als.....Defendants

Your Special Commissioner, S. E. Everett, in the above-styled cause, submits to your Honor the following facts:

On the 13th day of October, 1920, a decree was entered in this cause confirming the report of your said Commissioner and ordering this said cause to be stricken from the docket. On the 15th day of November, 1917, a decree was entered by your Honor, directing your Special Commissioner, S. E. Everett to sell the following property:

"One certain Lot Number 4, in Block Number 14, Fairmount Place, in Norfolk County, Virginia."

Your said Commissioner, S. E. Everett, in accordance with said order, sold the said property at public auction, and the said sale was confirmed by a decree entered on the 13th day of December, 1917, directing your said Commissioner to convey the said property therein mentioned to Mrs. E. L. Gardner, the purchaser thereof.

Your Commissioner, in accordance with said decree conveyed the said property to the said Mrs. E. L. Gardner, on the 3rd day of January, 1919. In describing this property, the

description was taken from handwriting that was illegible and was read and described from this handwriting, in all of the papers in these proceedings as "Fairmount Place", to-wit: "One certain lot Number 4, in Block 14, Fairmount Place, in Norfolk County, Virginia", and was described in your Commissioner's deed, conveying said property to Mrs. E. L. Gardner in the same language. The description of this property should have been " All that certain lot or parcel of land, situated in the County of Norfolk, in the State of Virginia, known, numbered and disignated as lot Four (4), Block Fourteen (14) on the plat of Fairmount Park, which said plat is recorded in the Office of the County Clerk, Norfolk County, Virginia, in Map Book 6, pages 34 and 35, said lot contains thirty-three and one-third (33 1/3) feet front on Lafayette Boulevard and extends back of even width and parallel with First Street one hundred (100) feet, as will more fully appear by said reference to survey and map of Fairmount Park, it being the same property conveyed to F. W. Elliott by Norfolk Washington Syndicate, Inc., by deed dated the 19th day of October 1909, and duly recorded in the Office of the County Clerk of Norfolk County, Virginia, in Deed Book 344, page 405".

Your Commissioner has discovered there is no such place as "Fairmount Place" in Norfolk County, but there is a "Fairmount Park" in Norfolk County and the description should have read "Fairmount Park", and the owners of the said property desire that a decree be entered making this correction.

Your Special Commissioner, S. E. Everett, asks your Honor to reinstate this cause and enter an order correcting the error mentioned above and directing your Special Commissioner,

S. E. Everett, to convey: "All that certain lot or parcel of land, situated in the County of Norfolk, in the State of Virginia, known, numbered and designated as lot Four (4), Block Fourteen (14) on the plat of Fairmount Park, which said plat is recorded in the office of the County Clerk, Norfolk County, Virginia, in Map Book 6, pages 34 and 35, said lot contains thirty-three and one-third (33 1/3) feet front on Lafayette Boulevard and extends back of even width and parallel with First Street one hundred (100) feet, as will more fully appear by said reference to survey and map of Fairmount Park, it being the same property conveyed to F. W. Elliott by Norfolk Washington Syndicate, Inc., by deed dated the 19th day of October, 1909, and duly recorded in the Office of the County Clerk of Norfolk County, Virginia, in Deed Book 344, page 405."

A certified copy of the deed from the said F. W. Elliott and wife to Matthew Gardner, dated the 15th day of May, 1914, recorded in the Clerk's Office of the Circuit Court of Norfolk County, Virginia, the 25th day of May, 1914, in Deed Book 402, page 178, is filed With this report, marked "Exhibit A" and asked to be made a part of this report.

Respectfully submitted:

S. E. Everett

Special Commissioner.

E. N. Gardner et als

vs. REPORT OF COMMISSIONER

E. B. Gardner et als

Filed 28 day of April, 1923.

Shirley V. Beaton
H. C.

G.N.Gardner, et als. . . . . Complainants,

vs

E.B.Gardner, et als. . . . . Defendants

$357.39

Received of S.E.Everett, Special Commissioner in the above styled suit, the sum of Three Hundred and Fifty-seven and 39/100 Dollars, for the share of Mary Lee Gardner.

Lee W. Gardner.

Guardian of Mary Lee Gardmer.

$357.39

AT Sh

4611

HAMPTON, VA. SEP 15 1920 192

PAY TO THE ORDER OF FIRST NATIONAL BANK, Hampton, Va.

Three hundred fifty seven 39/100 DOLLARS

Paid Sept 15 1920 First Nat'l Bank Hampton, Va.

VALUE RECEIVED AND CHARGE THE SAME TO THE ACCOUNT OF

To S. E. Everett Atty

Suffolk, Va

Lee H Gardner,

PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST CO.
All Prior Endorsements Guaranteed
SEP 15 1923
THE FIRST NATIONAL BANK
HAMPTON, VA.
65-148
M. M. KIMBERLY, Cashier

G.N.Gardner, et als. . . . . .Complainants

vs REPORT

E.B.Gardner, et als. . . . . Defendants

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

Your Commissioner, S.E.Everett, makes the following report:

On the 7th day of September, 1920, Your Honor entered an order directing Your Commissioner to give check for the amount in the National Bank of the City of Suffolk, to the credit of the Court in this cause, Three Hundred and Fifty-seven and 39/100 ($357.39) Dollars, for the infant defendant, Mary Lee Gardner, to L.W.Gardner, Guardian of the said infant, Mary Lee Gardner,and in accordance with the said decree, Your Commissioner honored the draft of L.W. Gardner for Three Hundred and Fifty-seven and 39/100 ($357.39) Dollars, giving your said Commissioner's check to the Bank in payment of said draft. Your said Commissioner, S.E.Everett, is herewith filing the draft and voucher for the said sum of Three Hundred and Fifty seven and 39/100 ($357.39.

There remaining nothing further to be done in this cause, Your Commissioner asks that it be stricken from the docket.

Respectfully submitted,

S.E.Everett

G.N.Gardner , et als

vs. REPORT

E.B.Gardner, et als.

Filed this 13th day of

October 1920

J.L.M

Form Adm. 1.

COMMONWEALTH OF VIRGINIA:

In the Clerk's Office of the Circuit Court for the City of Suffolk.

I, Chas.L.Hutchins, - , Clerk of the Circuit Court aforesaid, do hereby certify that on the 11th. day of June, , 1919 , Lee Washington Gardner duly qualified in the said Circuit Court as Guardian, of Edward Hinton Gardner, and aMary Lee Gardner, and gave bond as such according to law, of the sum of Three Thousand Dollars.

Given under my hand this 11th. day of September, , 19 20 .

Chas. L. Hutchins, , Clerk.

3,000 Bond Mary Lee Gardner
2,000 " Edward Hinton Gardner.
5,000

G.N.Gardner, et als. . . . . Complainants

vs

E.B.Gardner, et als. . . . . Defendants

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

Your Commissioner, S.E.Everett, in the above styled cause, makes to Your Honor the following report:

That on the 2nd day of February, 1920, your said Commissioner made a full distribution of the funds in his hands and filed vouchers for the same, and also receipt from the National Bank of Suffolk showing that the share of the infant, Mary Lee Gardner, amounting to Three Hundred and Fifty-two and 70/100 ($352.70) Dollars was deposited in the said Bank, and on the 2nd day of February,1920, the report was confirmed.

Lee W.Gardner who is a brother of Mary Lee Gardner has qualified as guardian of the said Mary Lee Gardner, and given bond in the sum of Three Thousand ($ 3,000.00) Dollars, and certificate of the Clerk as evidence of this factis herewith filed, and marked "Exhibit "A", and desires that the said sum of Three Hundred and Fifty-two and 70/100 ($352.70) Dollars ,with accrued interest , due Mary Lee Gardner, his ward, be paid to him for her maintenance and education.

Your said Commissioner, S.E.Everett, asks that this cause be reinstated and placed on the Chancery docket, that this report be confirmed, and that the said sum of Three Hundred and Fifty-two and 70/100 ($352.70) Dollars, with interest, the share of Mary Lee Gardner, be directed to be paid to the said L.W.Gardner, guardian of the said Mary Lee Gardner.

Respectfully submitted,

S.E.Everett

G.N.Gardner,et als

vs

E.B.Gardner, et als.

Filed this 7th day of

September, 1920

J.L.M.

G.N.Gardner, et als. . . . . Complainants

vs. DECREE

E.B.Gardner, et als. . . . . Defendants

This cause came on again this day to be heard on the papers formerly read, and on the report of S.E.Everett, Special Commissioner this day filed, to which report there is no exception and was argued by counsel.

On consideration whereof, it appearing to the Court from the said report that there is now in the National Bank of Suffolk ~~Bank~~ to the credit of the Court in this cause, the share of Mary Lee Gardner, Three Hundred and Fifty-two and 70/100 ($352.70) Dollars, with interest, and that L.W.Gardner, guardian of Mary Lee Gardner, qualified in the Circuit Court of the City of Suffolk, the 19th day of June, 1919, and desires that the said Three Hundred and Fifty -two and 70/100 ($352.70) Dollars, with interest, be paid to him for the maintenance and education of his said ward, Mary Lee Gardner, the Court doth adjudge, order and decree that the saidcause be reinstated and placed on the Chancery Docket; that the said report of the said S.E.Everett be confirmed, and that the said S.E.Everett, Special Commissioner, is directed to give check to the said L.W. Gardner, guardian, for the said Three Hundred and Fifty-two and 70/100 ($352.70) Dollars, with interest, taking voucher for the same, which check shall be authority to the said bank to pay over the fund aforesaid to the payee or his assigns and make a report to the Court of his transaction in this cause.

G.N.Gardner, et als.,

vs DECREE

E.B.Gardner, et als.

Enter this 7th day of

September, 1920

Jas L. McLemore.

Entered in Chancery

Order Book, No., 51

Page No. 296

TO THE HONORABLE JAS.L.McLEMORE, JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

G.N.Gardner, et als. . . . . ..Complainants

vs

E.B.Gardner, et als. . . . . Defendants

Your Commissioner, S.E.Everett, in the above styled cause makes to Your Honor the following report:

Prospect Hill Farm sold December 8th,1917 to G.N.Gardner, for			$8,400.00
Lot in Fairmount, sold December 8th,1917,to Mrs.E.L.Gardner, for			.260.00
Total receipts:			$ 8,660.00
Paid costs as follows:			
Clerk of Court		$ 30.00	
Commissioner in Chancery for two reports,		100.00	
Mary V.Andrews, depositions,		12.50	
Virginia Jones,depositions,	$13.60		
	7.00	20.60	
Bond of Special Commissioner, (Jones and Hines)		32.00	
Advertising sale:			
Virginian Pilot,	$10.75		
Suffolk Herald,	8.00	18.75	
Auctioneer,		25.00	
Attorney fee allowed S.E.Everett,		300.00	
Special Commissioner's Commissions,		182.20	
Writing two deeds,		20.00	
Taxes on Fairmount lot,		3.81	
Revenue Stamps,		9.00	
Insurance,		13.75	
Total disbursements:			767.61
Balance in hands of Commissioner,			$7,892.39
Carried Forward:			$7,892.39

Amount brought forward		$ 7,892.39
Amount received of J.M.Gardner,Administrator, after payment of all bills by him,.		572.33
Balance in hands of S.M.Everett, Special Com'r.		$8,464.72

To be distributed as follows:

1/6 to G.N.Gardner,	$ 1,410.79	
1/6 to J.M.Gardner,	1,410.79	
1/6 to E.B.Gardner	1,410.79	
1/6 (1/12 to M.T.Saunders	705.39	
(1/12 to Lizzie Saunders	705.39	
1/6 to J.W.Gardner	1,410.79	
1/6 (1/24 to L.W.Gardner	352.69	
(1/24 to Cora Lee Jones,	352.70	
(1/24 to Hinton Gardner,	352.69	
(1/24 to Mary Lee Gardner,	352.70	$8,464.74

Your Commissioner states that he put the interest of Mary Lee Gardner, Infant, in the National Bank of Suffolk, Suffolk, Virginia, subject to the order of the Court in this cause, and files herewith the Bank deposit slip for Three Hundred and Fifty-two and 70/100 ($352.70) Dollars.

There is nothing further to be done in this cause, and Your Commissioner asks that a decree be entered having the same stricken from the docket.

Respectfully submitted,

S.M.Everett

Special Commissioner.

G.N.Gardner, et als

vs Com'rs Report

E.B.Gardner, et als

Filed this day of

G. E. Ambrose,
Clerk

SUPPLEMENT TO ADMINISTRATOR'S ACCOUNT

Balance in hand brought down		$ 443.62
Received of E.B.Gardner		527.25
Total		970.87

DISBURSEMENTS

R.H.Rawles and S.E.Everett in case of Mrs.J.H.Persons against estate of Matthew Gardner, deceased	$200.00	
Administrator's Commission on $970.87	48.54	
Reserved for monument of Matthew Gardner, deceased	150.00	
Total disbursements		398.54
Balance which has been paid to S.E.Everett, Special Commissioner		$ 572.33

X 805.98.

Final Report

1920. Feb. 2 filed.
LM

E.B.Gardner,et als. . . . . Complainants

vs

G.N.Gardner et als. . . . . Defendants

This cause came on this day to be heard on the papers formerly read, and on the reports of Bradford Kilby, Commissioner in Chancery, one dated the 19th day of October,1918, and filed on the 5th day of December,1918; the other dated the 14th day of June, 1919, and filed on the 14th day of June,1919; the exceptions of Mrs.J.H.Persons, filed on the 2nd day of January,1919, and on the depositions taken and filed on behalf of the said Mrs.J.H. Persons and the estate of Matthew Gardner, since the former hearing of this cause; and on the exceptions of E.B.Gardner, filed on the 24th day of June,1919, and was argued by Counsel.

On consideration whereof, the Court doth overrule all the exceptions of the said Mrs.J.H.Persons,to the said report filed the 5th day of December,1918, and the exceptions of E.B. Gardner filed the 24th day of June, 1919, to both of said reports and doth approve and confirm the said reports of the said Commissioner in Chancery,and doth adjudge,order and decree that the said S.E.Everett, Special Commissioner, disburse the proceeds in this cause in accordance with the decree entered the 19th day of December, 1917; and make a report of his proceedings hereunder.

E.B.Gardner,et als

vs. Confirming Report

G.N.Gardner, et als.

Enter this 21 day of

~~October~~ September, 1919

Jas. D. McLemore

Entered in Chancery Order

Book, No. 5

Page, No 233

G.M.Gardner, et als.)
)
v.) In Chancery
)
E.M.Gardner, et als)

Commissioner's Office,

Suffolk, Virginia, June 14, 1919

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

In the former report made by Your Commissioner, in this suit, dated Oct.19,1918, and filed on Dec.5,1918, Your Commissione reported as follows:

" In regard to the note of T.D.Gardner, son of Matthew Gardner, for the sum of $527.25, not bearing interest, and payable to Matthew Gardner 'On demand', Your Commissioner is satisfied that this note represents money loaned to said T.D.Gardner by his father as advancement, and should be deducted in the distribution of said estate from the share which would otherwise go to said T.D.Gardner as his portion. Said note is dated Dec.26,1903"

By consent of the parties to this suit, and at their request, Your Commissioner has reopened and reconsidered the above report as to said note, and is of the opinion that his former recommendation was correct, and should stand, for the following reasons:

Mr.Elvin Gardner employed Judge R.H.Rawles to assist Mr. S.F.Everett, Attorney for the Administrator and the estate, in defending said estate against the claim of Mrs.J.S.Parsons,for the sum of $900.00, due on an alleged note for that sum. He, individually, promised to pay Judge Rawles the sum of $100.00 for his services in that matter. Inasmuch as the heirs of the estate of Matthew Gardner derived as much benefit from the services of Judge Rawles as did Mr.Elvin B.Gardner personally,all of the said heirs, by their attorney, Mr.S.F.Everett,agreed that said fee of $100.00 should be paid out of the estate of Matthew Gardner,to Judge Rawles, provided that the said Elvin B.Gardner would agree

that the note owed the estate of Matthew Gardner for $527.25 should be deducted in the distribution of said estate from the share which would otherwise come to the said Elvin B.Gardner as his portion. Both Judge R.H.Rawles and Mr.E.E.Everett reported to Your Commissioner that this proposition was accepted by their respective clients, and it was carried into effect by the payment to Judge Rawles of said sum of $100.00 by Mr.E.E.Everett, Attorney for the Administrator and the estate of Matthew Gardner by, a check dated February 25,1919.

Since the acceptance of said check by Judge Rawles,his client, Mr.Elvin B.Gardner, has repudiated said agreement made on his behalf by his attorney, and claims that he made no such agreement with his attorney, but had agreed that said note should be deducted from his share in said estate,provided that all other heirs should ~~pay~~ have their indebtedness to said estate,similarly deducted from their respective shares.

Your Commissioner has taken the testimony of Judge R.H. Rawles, Mr.Elvin B.Gardner, Mr.Richard Saunders and Mr.Hutchins, concerning said agreement, and from the testimony of said witnesses is still of the opinion that Judge Rawles was correct in his understanding of said agreement, ~~and~~ that same was executed in good faith by him,and that Mr.Elvin B.Gardner should be bound thereby.

Your Commissioner is further convinced in his opinion that the said sum of $527.25 was intended by Matthew Gardner as an advancement to his son,Elvin B.Gardner, by the finding amongst the papers of said Matthew Gardner of a note for that sum dated the 12th day of February,1907, which was evidently intended as a renewal of the original note, but was never signed by Elvin B.Gardner. The said note is in the handwriting of Judge R.H. Rawles; was submitted to his inspection by Your Commissioner,and he testified that said note was in his handwriting,and was no doubt prepared at the request of Matthew Gardner,who was his client at that time. Said note is herewith submitted as an

exhibit,and marked "Exhibit A" In addition to the printed matter therein,it contains the following note in the handwriting of Judge T.B.Rawles "For money loaned to [illegible] by [illegible] as an advancement on what may hereafter be my share by descent or otherwise of my father's estate, and I waive all statute of limitations as to this debt"

The books and papers of Matthew Gardner which were submitted to your Commissioner by the administrator when making his previous report,and this one also, show that Matthew Gardner had lent money at various times to all of his children,and with the exception of Elvin B.Gardner and J.T.Gardner all had paid said loans back with interest. As far as your Commissioner can ascertain, Matthew Gardner had no favorites among his children, and he expected that they would all share alike in his estate, and so far as Elvin B.Gardner was concerned, who had neither repaid his loan nor paid the interest thereon, he went so far as to take the precaution to have his attorney, Judge T.B.Rawles, prepare the note herewith filed as an exhibit, so that said loan would be treated as an advancement to said Elvin B.Gardner and be deducted from his share in said estate.

Respectfully submitted this day of ,1919

$5.27 25/100 . . On demand without interest after date, ~~with legal interest from date until paid, payable~~

I bind myself, my heirs, executors and administrators, jointly and severally, to pay to Matthew Gardner his heirs or assigns, the sum of Five Hundred & twenty Seven 25/100 DOLLARS, for value received; and I hereby waive the benefit of my Homestead Exemption as to this debt, obligation and contract: for money loaned to me by him as an "advancement" of what may hereafter be my share by descent or otherwise of my father's estate; and I waive ~~Secured by deed of trust on real estate in~~ ~~Va.~~, all statute of Limitations as to ~~Trustee~~ this debt.

Witness my hand and seal this 12th day of February 1907.

WITNESS: SEAL SEAL SEAL

G.N.Gardner, et als. (
)
v. (In Chancery
)
E.B.Gardner, et als (
)

Commissioner's Office,

Suffolk, Virginia, June 14. 1919.

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

In the former report made by Your Commissioner, in this suit, dated Oct.19,1918, and filed on Dec.5,1918, Your Commissioner reported as follows:

" In regard to the note of E.B.Gardner, son of Matthew Gardner, for the sum of $527.25, not bearing interest, and payable to Matthew Gardner 'On demand', Your Commissioner is satisfied that this note represents money loaned to said E.B.Gardner by his father as advancement, and should be deducted in the distribution of said estate from the share which would otherwise go to said E.B.Gardner as his portion. Said note is dated Dec.26,1903"

By consent of the parties to this suit, and at their request, Your Commissioner has reopened and reconsidered the above report as to said note, and is of the opinion that his former recommendation was correct, and should stand, for the following reasons:

Mr.Elvin Gardner employed Judge R.H.Rawles to assist Mr. S.E.Everett, Attorney for the Administrator and the estate, in defending said estate against the claim of Mrs.J.H.Persons,for the sum of $800.00, due on an alleged note for that sum. He, individually, promised to pay Judge Rawles the sum of $100.00 for his services in that matter. Inasmuch as the heirs of the estate of Matthew Gardner derived as much benefit from the services of Judge Rawles as did Mr.Elvin B.Gardner personally,all of the said heirs, by their attorney, Mr.S.E.Everett,agreed that said fee of $100.00 should be paid out of the estate of Matthew Gardner,to Judge Rawles, provided that the said Elvin B.Gardner would agree

that the note he owed the estate of Matthew Gardner for $527.25 should be deducted in the distribution of said estate from the share which would otherwise come to the said Elvin B.Gardner as his portion. Both Judge R.H.Rawles and Mr.S.E.Everett reported to Your Commissioner that this proposition was accepted by their respective clients, and it was carried into effect by the payment to Judge Rawles of said sum of $100.00 by Mr.S.E.Everett, Attorney for the Administrator and the estate of Matthew Gardner, by a check dated February 25,1919.

Since the acceptance of said check by Judge Rawles,his client, Mr.Elvin B.Gardner, has repudiated said agreement made on his behalf by his attorney, and claims that he made no such agreement with his attorney, but had agreed that said note should be deducted from his share in said estate,provided that all other heirs should ~~pay~~ have their indebtedness to said estate,similarly deducted from their respective shares.

Your Commissioner has taken the testimony of Judge R.H. Rawles, Mr.Elvin B.Gardner, Mr.Richard Saunders and Mr.Cutchins, concerning said agreement, and from the testimony of said witnesses, is still of the opinion that Judge Rawles was correct in his understanding of said agreement, ~~that~~ same was executed in good faith by him,and that Mr.Elvin B.Gardner should be bound thereby.

Your Commissioner is further convinced in his opinion that the said sum of $527.25 was intended by Matthew Gardner as an advancement to his son,Elvin B.Gardner, by the finding,amongst the papers of said Matthew Gardner, of a note for that sum dated the 12th day of February,1907, which was evidently intended as a renewal of the original note, but was never signed by Elvin B.Gardner. The said note is in the handwriting of Judge R.H. Rawles; was submitted to his inspection by Your Commissioner,and he testified that said note was in his handwriting,and was no doubt prepared at the request of Matthew Gardner, who was his client at that time, Said note is herewith submitted as an

exhibit,and marked "Exhibit A" In addition to the printed matter therein,it contains the following ~~note~~ language in the handwriting of Judge R.H.Rawles "For money loaned to me by him,as an advancement on what may hereafter be my share by descent or otherwise of my father's estate, and I waive all statute of limitations as to this debt"

The books and papers of Matthew Gardner which were submitted to your Commissioner by the administrator, when making his previous report,and this one also, show that Matthew Gardner had lent money,at various times,to all of his children,and with the exception of Elvin B.Gardner and J.W.Gardner,all had paid said loans back with interest. As far as your Commissioner can ascertain, Matthew Gardner had no favorites among his children, and he expected that they would all share alike in his estate, and so far as Elvin B.Gardner was concerned, who had neither repaid his loan nor paid the interest thereon, he went so far as to take the precaution to have his attorney, Judge R.H.Rawles, prepare the note herewith filed as an exhibit, so that said loan would be treated as an advancement to said Elvin B.Gardner and be deducted from his share in said estate.

Respectfully submitted this 14th day of June, 1919.

Bradford Kilby

Commissioner in Chancery.

Comm's fee: $—

Commissioner's Report.

G.N.Gardner et als.

v.

E.B.Gardner et als.

In Chancery.

Supplemental Report of Bradford Kilby, Commissioner in Chancery, filed June 14th. 1919.

Clerk.

BRADFORD KILBY
Attorney at Law
SUFFOLK, VIRGINIA.

Baltimore Office Supply Company, Baltimore, Md.

G. N. Gardner et als.....Plaintiffs

vs. EXCEPTIONS

E. B. Gardner et als.....Defendants.

Exceptions of E. B. Gardner, one of the defendants in the above styled cause, to the report of Bradford Kilby, a Commissioner in Chancery for Nansemond County, filed in said cause on the 14th day of June, 1919, as a supplemental report, and also to the original report of said Commissioner filed December 5, 1918.

The said defendant excepts to the report first above mentioned on the following grounds:

The said Commissioner finds, as set out in said report, that a certain note dated December 26, 1903, payable on demand to Matthew Gardner and signed by E. B. Gardner, for Five Hundred Twenty-Seven and 25/100 ($527.25) Dollars, represents an advancement made the said E. B. Gardner by his father, the said Matthew Gardner, whereas the evidence does not warrant such a finding.

The said defendant excepts to said original report filed December 5, 1918, insofar as same holds said note to represent an advancement, and also to said report as a whole, and to each and every finding therein contained.

E. B. Gardner,

By Saunders & Hutcheson

His Attorneys.

G. N. Gardner et als.

vs. EXCEPTIONS

E. B. Gardner et als.

Filed June 24, 1919

Ruley V. Barton

D.C.

SAUNDERS & HUTTON
Attorneys at Law
Suffolk, Va.

Virginia:

In the Circuit Court of Nansemond County:

G. N. Gardner, et als., Plaintiffs.

v. In Chancery.

E. B. Gardner, et als., Defendants.

Mr. J. H. Person excepts to the report filed in the above cause on the 5 day of December, 1918, by Bradford Kilby, Commissioner in Chancery and states the following grounds of exceptions:

FIRST: On consideration whereof, your commissioner is of the opinion that the alleged note was never executed by Matthew Garner and no such note was ever in existence, and that the estate of Matthew Gardner should not be liable for this claim against it.

SECOND: Because of errors appearing on the face of the report.

Signed:

S. Burwell Bragg
Atty for Mr. J. H. Person

VIRGINIA: IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

G. N. Gardner, et als.,

v.

E. B. Gardner, et als.

EXCEPTIONS TO COMMISSIONER IN CHANCERY'S REPORT.

LAW OFFICES OF
S. BURNELL BRAGG
403-404-405 BOARD OF TRADE BUILDING
NORFOLK, VIRGINIA

HAMPTON ROADS PAPER CO., NORFOLK

G.N.Gardner et als.)
)
v.) In Chancery.
)
E. B. Gardner et als.)

Commissioner's Office,

Suffolk, Va. Oct.19,1918.

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

By way of supplement to the report filed by your commissioner in this cause on October 23rd. 1917,your commissioner begs to submit herewith an account of the transactions of J.M.Gardner,Administrator of Matthew Gardner to this date;also the decision of your commissioner in regard to the claim of Mrs.J.H.Person against said estate,and in regard to the debt due the estate of Matthew Gardner by E.B.Gardner. A statement of the receipts and disbursement of J.M.Gardner,Administrator of Matthew Gradner will be found on a subsequent page.

Mrs. J.H.Person of Norfolk,Va. claimed to be the owner of a note given her by Matthew Gardner in consideration of the loan of $800.,said note being dated Dec.5th.1916 and payable one year after date at the Mercantile Bank of Norfolk,Va.,and bearing legal interest payable at maturity.She filed an affidavit with your commissioner that this note was lost by her mother,Mrs.Ophelia Wood, on or about Nov.15th.1917.which affidavit is herewith returned as an exhibit and part of this report.Depositions in support of this claim and contesting the same were taken in the office of S.E. Everett in the City of Suffolk,Va.on March 7th.,March 20th,and April 30th.1918,and was fully argued by S.E.Everett and R.H.Rawles, Attorneys for the Defendants,and S.Burnell Bragg,Attorney for the Complainant,in the office of S.E.Everett,in Suffolk,Va. on _____ 1918,before your Commissioner.

On consideration whereof,your commissioner is of the opinion that the alleged note was never executed by Matthew Gardner and no such note was ever in existence,and that the estate of Matthew Gardner should not be liable for this claim against it.

Mrs. J.H.Person,her brother,J.R.Wood,and her mother,Mrs. Ophelia Wood,testified that the said note was executed by Matthew Gardner on December 5th.1916 in the home of said Mrs.Ophelia Wood in Norfolk Va.,but Mrs.Juliette Uzzell testified that Matthew Gardner came to board at her house in Nansemond County,Virginia,on October 8th.1916 and remained there until Christmas Day of that year and that he was sick and unable to leave her home,and did not leave her home until Christmas Day when he went to the home of his son,E.B.Gardner.

B.C.Eley who lives on an adjoining farm to Mrs. Juliette Uzzell and J. F. Uzzell who also lived on an adjoining farm at the time, testified that Matthew Gardner was confined by sickness,at the home of Mrs. Juliette Uzzell,during the time stated by her. Your commissioner believes that the testimony of these disinterested witnesses is true and that Matthew Gardner was not at the home of Mrs.Ophelia Wood on December 5th.1916 and that he did not execute said note then or at any other time. The testimony of these witnesses is corroborated by the fact that Matthew Gardner was always well-to-do,and thrifty. He died solvent,leaving a personal estate appraised at $1999. and debts amounting to only $332.43 which inclued his funeral expenses and cost of administration. His real estate has been sold for the sum of $8660.during the course of this suit. He was a money lender,as the testimony of Judge R.H.Rawles,his attorney, shows,as well as the list of bonds and notes held by him,at the time of his death and listed in the appraisement.

Among the notes listed in the appraisement of the estate of Matthew Gardner was one executed by J.R.Wood,brother,and Mrs.Ophelia Wood,mother of Mrs.J.H.Person,for the sum of $200.and payable to Matthew Gardner. This note was dated November 25th.1916,just ten days prior to the date of the alleged note for $800.which they claim is due Mrs.J.H.Person. They testified that this $200. note had been paid,but they can produce no receipt for said payment and the $200.note was in the possession of Matthew Gardner at the time of his death,and is now held by the administrator of Matthew Gardner for collection. It thus appears that two members of this Wood family were borrowers of $200. from Matthew Gardner,only ten days prior to time when they allege that Matthew Gardner borrowed $800. from one of them. This circumstance,coupled with the conflicting testimony of the plaintiff and her witnesses, the fact that Matthew Gardner was always prosperous and a money lender,and the very positive testimony of Mrs.Juliette Uzzell,B.C.Eley and J.F.Uzzell that Matthew Gardner was sick and confined by said sickness to the house of Mrs. Juliette Uzzell from October 8th.1916 to December 25th.1918,convinces your commissioner that there is no merit or truth in the contention of Mrs.J.H.Person that Matthew Gardner owed her the sum of $800.and executed a note payable to her for that sum.

In regard to the note of E.B.Gardner,a son of Matthew Gardner,for the sum of $527.25,not bearing interest,and payable to Matthew Gardner,on demand,your commissioner is satisfied that this note represented money loaned to said E.B.Gardner by his father as an advancement,and should be deducted,in a distribution of said estate,from the share which would otherwise come to said E.B. Gardner as his portion. The note is dated December 26,1903.

The account of sales,the appraisement of the estate of Matthew Gardner and the transactions of J.M.Gardner,Administrator of said estate are found on the following pages of this report.

J. M. Gardner, Administrator,

In account with the estate of Matthew Gardner.

1917			
Sept. 4	The Administrator qualified.		
" 4	By cash found in house of Matthew Gardner.		14.69
" 4	" " in Farmers Bank of Nansemond.		275.76
" 4	" " in National Bank of Suffolk.		150.00
" 28	" " from sale of chattels.		76.60
Dec. 31	" " from Lula Young for rent of land.		9.00
" 31	" " from J.L.Holland for rent of farm.		250.00
1917	Disbursements.		
Sept. 4	To paid G.E.Bunting,Clerk,fee on qualification	5.00	
" 4	" " Suffolk Floral Gardens,for flowers,at funeral of deceased.	16.00	
" 4	" " Revs. Billings,Lewis and Butler,for their services at funeral.	6.00	
" 11	" " Jesse Whitley,for services to Admr.	2.50	
" 12	" " the appraisers,their fees.	4.50	
" 17	" " Jos.P.Hall Drug Co. acct.	1.00	
" 18	" " Herald Printing Corporation,acct.	2.00	
" 18	" " Ballard and Smith,acct.	6.25	
" 28	" " J.S. Underwood,Auctioneer.	5.00	
Oct.19	" " Dr.F.J.Morrison,acct.	8.00	
" 19	" " H.J.Bowen and Co. acct.	2.25	
" 20	" " January and Bro. acct.	16.40	
" 20	" " R.W.Baker and Co. funeral expenses.	130.00	
" 20	" " Virginian-Pilot Co. for notice.	4.00	
Nov. 29	" " C.R.Fulgham,Treasurer,1917 taxes.	32.20	
1918			
Feb. 9	" " J.L.Holland,for fertilizer acct.	61.33	
" 9	" " Mrs.J.F.Uzzle,for board.	25.00	
" 9	" " Pearl Underwood,for mattress.	5.00	
" 9	By balance in hands of Admr.to be distributed.	443.62	
		$776.05	$776.05

SUPPLEMENT TO ADMINISTRATOR'S ACCOUNT

Balance in hand brought down		$443.62
Received of E.B.Gardner,		527.25
		$970.87
DISBURSEMENTS		
Paid R.H.Rawles and S.E.Everett in case of Mrs.J.H.Persons against estate of Matthew Gardner, deceased	$200.00	
Administrator's Commission on $970.87	48.54	
Reserved for monument of Matthew Gardner, deceased	150.00	
Total disbursements		398.54
Balance which has been paid to S.E.Everett Special Commissioner,		$ 572.33

The administrator has not yet collected the following notes and accounts:

Note with interest,dated Nov.25th.1916 and signed by J.R.Wood and Mrs. Opelia Wood.	$200.
Note with interest,dated May 15th.1905,signed by Joyner and Bro.per L.J.	50.
Note with interest,dated August 17th.1908,signed by Moses Washington.	10.
Note with interest,dated Feb.22,1905,signed by J. W.Gardner. # 2107 W. Peigan St. west End	100.
Note without interest,dated Dec.26,1903,signed by J.W.Gardner.	290.
Note due on demand,with interest,dated May 6,1895, signed by J.W.Gardner.	50.
Note with interest,dated June 29th.1903,signed by N.L.Duke and W.H.Vaughan.	75.
Note with interest dated Feb.23,1910,signed by L.J.Darden.	36.95
Note without interest,dated Dec.26,1903,payable on demand and signed by E.B.Gardner.	527.25
Open account due by Mrs.Ella J.Gardner.	150.
	$1,489.20

There is no other matter deemed pertinent by your commissioner.

Respectfully submitted this 19th.day of October 1918.

Bradford Kilby

Commissioner in Chancery.

Comr's fee: former report $25.
Comr's fee. this report $75.
$100.

STATE OF VIRGINIA,

CORPORATION OF THE CITY OF NORFOLK, TO-WIT:

This day personally appeared before me, A. C. Philpotts, a Notary Public in and for the Corporation in the State aforesaid, MRS. J. H. PERSON, who made oath before me in my said Corporation that she is the rightful owner of a note given her by Mathew Gardner in consideration of a loan of Eight Hundred ($800.00) Dollars.

Said note was dated December 5th, 1916, and payable one (1) year after date at the Mercantile Bank of Norfolk, Va., for the principal sum of Eight Hundred ($800.00) Dollars, bearing interest at the rate of six per centum per annum, payable at maturity. Said note was signed by Mathew Gardner as maker.

The affiant further states that on or about November 15th, 1917, she was in possession of the aforesaid note and had been in possession since December 5th, 1916, and that on the said date, November 15th, 1917, she gave this note to her mother, Mrs. Ophelia Wood, to be taken by her to her Attorney's Office, Mr. A. C. Philpotts, for his inspection, and to be returned by her mother to the affiant after the inspection of said note by her Attorney.

The affiant further says that during the trip ~~from~~ to her residence ~~to~~ from her Attorney's Office, that her mother lost this note, and that since the said date of November 15th, 1917, she has made every effort to discover and find this note, but has been unable to do so.

Given under my hand this 6th day of March, 1918.

A. C. Philpotts,
Notary Public.

My Commission expires
Dec. 28, 1918.

An inventory and appraisement of the personal effects of Matthew Gardner dec'd, made on the 12th day of Sept., 1917.

ARTICLES APPRAISED	Appraised Value	ARTICLES APPRAISED	Appraised Value
Note with interest 25th Nov.,1916, signed by J. R. Wood & Mrs. Wood	$ 200 00		
Note with interest May 15th,1905, signed by Joyner & Bro.,per L. J.	50 00		
Note Aug. 17th,1908,signed by Moses Washington	10 00		
Note Feb. 22nd,1905,signed by J. W. Gardner	100 00		
Note without interest Dec. 26,1903, signed by J. W. Gardner	290 00		
Due on demand May 6th,1895,signed by J. W. Gardner	50 00		
Note with interest June 29th,1903 signed by N. L. Duke & W. H.Vaughan	75 00		
Note Feb. 23rd,1910,signed by L. J. Darden	36 95		
Note without interest Dec. 26,1903, signed by E. B. Gardner	527 25		
Open account due by Mrs. Ella J. Gardner	150 00		
Cash deposited in National Bank of Suffolk	150 00		
Cash deposited in Farmers Bank of Nansemond	275 76		
Cash in house	14 69		
4 pairs sheets,2 counterpanes & 6 pillow slips	10 00		
4 Quilts	5 00		
Bedstead,mattress & Springs	6 00		
Featherbed,2 pillows & bolster	5 00		
1 Trunk & 2 suit cases	1 00		
1 bureau	2 50		
Rasor and strap	1 50		
Pipes etc	50		
Old war arms	1 00		
1 Drawing knife	75		
1 Lamp	25		
1 Watch and 2 Chains	10 00		
1 Washstand	2 00		
1 Wash bowl and 2 pitchers	1 00		
1 Mirror	50		
1 Shot gun	1 50		
3 Chairs	1 00		
1 Buggy blanket	2 50		
1 Clothes chest	50		
1 lot nails,boxes etc.	50		
1 Clock	25		
3 Window shades	75		
1 fire tongs & irons	50		
1 Center table	50		
2 combs and brush plates	50		
Handsaw and square	1 00		
1 Sewing machine	25		
1 Hand grip	50		
4 Rugs	1 00		
Matting	1 00		
1 Wire stretcher & chains	3 00		
2 sheets galvanized roofing	1 00		
1 lot Shingles	7 00		
	$1999 90		

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form 244—Order of Appraisement and Inventory

Virginia: In the Office of the Clerk of the Circuit Court of Nansemond County, the 4th day of Sept, 1917

IT IS ORDERED, That Jim. Holland, Hurley Helms, J. F. Uzzell B. C. Eley and E. S. Ellis

or any three of them, being first duly sworn for the purpose, do truly and justly appraise such of the goods and chattels of Matthew Gardner, deceased, as may be produced before them, and return their appraisement under their hands as the law directs.

A Copy—Teste:

Clerk.

STATE OF VIRGINIA, County of Nansemond to-wit:

This day J. F. Uzzell, B. C. Eley and E. S. Ellis

named in the foregoing order of the Clerk of the Circuit Court of the county of Nansemond personally appeared before me, N. T. Gray, a Justice of the Peace in and for the said county, and made oath that they will truly and justly appraise such of the personal effects of Matthew Gardner, deceased, as may be produced before them.

Given under my hand, this 12 th day of Sept, 1917

N. T. Gray

Justice of the Peace

CONTINUED

ARTICLES APPRAISED	Appraised Value	ARTICLES APPRAISED	Appraised Value

O. S. Ellis
J. H. Nuzum
B. C. Ellis
Appraisers.

J. M. Gardner *per rep.*
of of Matthew Gardner

COMMISSIONER'S OFFICE,

....., 191.....

To the Clerk of the Circuit Court of .....*County:*

DEAR SIR:

I have examined the foregoing appraisement and find it to be in proper form, and now return it to you to be recorded as required by law.

.....*Commissioner of Accounts.*

Form 244

Inventory and Appraisement

OF THE ESTATE OF

Matthew Gardner

J. M. Gardner, Administrator,

In Account with

The Estate of Matthew Gardner, deceased.

Cash found in house	14.69
Cash deposited in Farmers Bank of Nansemond	$275.76
Cash deposited in National Bank of Suffolk	150.00

Sale of Personal Property. Account of Sales.

One Sewing Machine and contents	.60
Table and Satchel	2.00
Bureau and contents	3.75
Mirror	.40
Washstand and contents	2.00
Carpenter tools etc	2.70
One Suit Case	.10
One Counterpane	1.05
One Counterpane	1.00
One pair Sheets	.15
One pair sheets	1.35
One pair Sheets	2.00
One pair Sheets	1.25
One single Sheet	.65
One pair Sheets and table cover	1.00
One Straight Chair	1.00
Bowl and Pitcher	.55
Buggy Robe and Chair	.25
Three Rugs and chair	.50
Shot gun	7.00
One Quilt	1.00
One Quilt	2.00
One Qulit	1.35
Buggy Robe	5.00
Summer Robe	.05
One Counterpane	1.30
One pair Pillow Slips	.10
One pair Pillow Slips	.10
One Chest	1.00
One Lamp	.35
One pair Fire Irons	.60
Trunk and Grip	.50
One Straight Chair	.15
One Feather-bed, Bolster and Pillows	11.25
Bedstead and Springs	7.25
Bayonet and Sabre	.35
One Clock	.25
One Lot Shingles	6.50
One Wire Stretcher	3.50
Two Strips Sheet Iron	1.00
One pair Scales	.10
One Watch	2.25
One Watch Chain	.50
One Gold Watch Chain	.50
Three Window Curtains	.30
One Hatchet	.05
By cash, Lula Young for rent	9.00
By cash, J. L. Holland, rent	250.00
	$776.05

IN CHANCERY.

G. N. Gardner et als.

v.

E.B.Gardner et als.

Commissioner's Report.

Second report of Bradford Kilby,Commissioner in Chancery,under decree of October 8th.1917.

Filed Dec. 5 1918

G. C. Crawford

Clerk.

BRADFORD KILBY
Attorney at Law
SUFFOLK, VIRGINIA.

Baltimore Office Supply Company, Baltimore, Md.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY,VIRGINIA

IN VACATION THE 13th DAY OF DECEMBER,1917.

E. B. Gardner et als.....Complainants.

vs.

G. N. Gardner et als.....Defendants.

This cause coming on again this day to be heard by consent in writing of the plaintiffs and defendants including the and the purchasers at the sale and by like consent guardian ad litem for the infant defendants, the Court doth adjudge,order and decree that this cause be submitted to the Judge of this Court for such orders and decrees therein in vacation as might be made in term,and coming on by like consent on the papers formerly read and on the report of the Special Commissioner, S. E. Everett,filed on the 13th day of December,1917,to which report there is no exception and was argued by counsel.

On consideration whereof,the Court,approving and confirming said report,doth adjudge,order and decree,that,upon payment by G. N. Gardner,purchaser at said sale of Prospect Hill Farm for the sum of Eighty Four Hundred Dollars,and upon payment by Mrs. E. B. Gardner,purchaser at said sale of the said lot in Norfolk County for the sum of Two Hundred and Sixty Dollars,the said sums being the amount for which the said lots hereinafter described were struck off at said sales,the said Commissioner, S. E. Everett,convey,with special warranty,to the said purchasers the following described properties:

To G. N. Gardner

FIRST: (1) All that certain tract of land known as Prospect Hill Farm,containing 238 acres,situated in Chuckatuck District,Nansemond County,Virginia,and bounded as follows:
By the land of A. B. Hargraves,Indian Swamp,Phillips Mill Pond and the lands of James Fulgham and Joseph Fulgham, and being the same land conveyed to the said Matthew Gardner by deed duly executed by Artiemacy Harley and Alexander Harley Jr.,and dated the 5th day of January,1882,and recorded in the Clerk's Office of the Circuit Court of Nansemond County,Virginia, in Deed Book 10,pag3 56.

To Mrs. E. B. Gardner

SECOND: (2) One certain lot No. 4,in block 14, Fairmount Place in Norfolk County,Virginia.

And it is further ordered that the said Special Commissioner, after paying the cost of this suit and a fee of $300 to the

attorney who instituted said suit,disburse the remainder of the purchase price to the adult defendants entitled thereto,and to deposit the interest of the infants in the bank until the further order of the Court,and the said Special Commissioner is ordered to make report of his proceedings hereunder to this Court.

All of which is hereby certified to the Clerk of this Court to be recorded in the Chancery Order Book.

Jas. L. McLemore.

E. B. Gardner et als.

vs. Confirmation of Sale

G. N. Gardner et als.

Enter/3 day of Dec.,1917.

James L McLemore

Entered in Chancery

Order Book NO. 5 ,

page 135

W. consent
J. E. Current atty for
all parties except
infants and petitioner
John K Sutton,
Guardian ad litem
for infant defendants

TO THE HON. JAMES L. McLEMORE,JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY,VIRGINIA.

E. B. Gardner et als.....Complainants.

vs.

G. N. Gardner et als.....Defendants.

Your Commissioner,S. E. Everett,appointed by your Honor in the above-entitled cause,on the 15th day of November,1917,to make sale of certain property mentioned in the bill and proceedings in said cause respectfully submits the following report:

Having executed the required bond,your Commissioner advertised the said property for sale on the 8th day of December, 1917,at 12 o'clock M.,in front of the old Post Office Building, Suffolk,Virginia,fifteen days notice of said sale having been given as required by said decree,the said property was put up at public auction and was struck off to the following purchasers they being the highest bidders at the said sale:

The farm known as Prospect Hill Farm to G. N. Gardner for the sum of.....$8400.00

The lot in Fairmount Place in Norfolk County to Mrs. E. L. Gardner for the sum of..... 260.00

Total amount of sale.....$8660.00

G. N. Gardner paid one thousand ($1,000) dollars on the pruchase price,and Mrs. E. L. Gardner paid hers in full,which was two hundred and sixty($260.00) dollars.

Your Commissioner has placed this amount in the bank and herewith filed vouchers of the bank for the same.

The said purchasers desire to pay the whole purchase price in cash as soon as the sale is confirmed and the deed ready to be delivered.

In the opinion of your Commissioner this is a very good sale, therefore,your Commissioner ask your Honor to confirm the said sale as reported herein and to direct your said Commissioner to make a proper deed conveying said property to said purchasers.

Respectfully submitted:

S. E. Everett

Special Commissioner.

E. B. Gardner et als

vs. Commissioners Report.

G. N. Gardner et als.

1917 Dec. 13. Filed.
J.R.M.

G. N. Gardner et al and Ella J. Gardner,his wife,J. M. Gardner and Elizabeth Gardner,his wife,J. W. Gardner and Mattie Gardner,his wife,Julia Gardner,L. W. Gardner,Cora Gardner Jones and Herman A. Jones,her husband,Richie Saunders,M. T. Saunders and Lizzie Saunders.....Complainants

vs.

E. B. Gardner et al and Lillie Gardner,his wife,J. M. Garnder, Administrator of Matthew Gardner,Hinton Gardner and Mary Lee Gardner,the last two being under the age of twenty-one years.....Defendants.

This cause came on again this day to be heard on the papers formerally read,and on the report of Bradford Kilby,Commissioner in Chancery,filed the 24th day of October,1917,to which report there is no exception and was argued by counsel.

On consideration whereof,it is adjudged,ordered and decreed that said report be confirmed and that S. E. Everett,who is appointed Special Commissioner for the purpose,do,after having advertised the time,place and the terms of sale for fifteen days by posting notices in numerous public places in Nansemond County, Virginia,~~Norfolk County,Virginia and Norfolk City,Virginia~~,proceed to sell before the Old Post Office Building,Suffolk,Virginia,all of the following property:

All that certain tract of land containing 238 acres, situated in Chuckatuck District,Nansemond County,Virginia,and bounded as follows:

By the land of A. B. Hargraves,Indian Swamp,Phillips Mill Pond and the lands of James Fulgham and Joseph Fulgham,and being the same land conveyed to the said Matthew Gardner by deed duly executed by Artiemacy C. Harley and Alexander Harley Jr.,and dated the 5th day of January,1882,and recorded in the Clerk's Office of the Circuit Court of Nansemond County,Virginia,in deed book 10,page 56.

~~The property in Norfolk County,Virginia~~ to be sold on the premises,which is described as follows:

One certain lot No. 4,in block 14,Fairmont Place in Norfolk

County,Virginia,known as "Pennock Hill Farm".

And it is further adjudged,ordered and decreed that the said S. E. Everett,Special Commissioner,shall sell the said property on the following terms,to-wit: one-half cash and the residue one year from the date of sale with interest from the date of sale; title to said property to be retained until the purchase money is paid in full and conveyance directed by the Court; or if any purchaser or purchasers should elect to pay,he or they may pay the whole of the purchase money in cash.

And it is further adjudged,ordered and decreed that the said S. E. Everett,Special Commissioner,make a full report to this Court of his proceedings hereunder,taking bonds of the purchaser or purchasers for the credit installments bearing interest from the date of sale and returning said bond or bonds and the voucher of one of the banks of the City of Suffolk showing the deposits of the cash installment with his report to the Court. And the said S. E. Everett,Special Commissioner,shall not proceed to act under this decree until he shall enter into bond with security in the Clerk's Office of this Court,payable to the Commonwealth of Virginia,in the amount of $8000.00,and conditioned upon the faithful discharge of his duty hereunder or any further decree in this cause.

G. N. Gardner et als

vs. Decree

E. B. Gardner et als

Enter 15 day of November

,1917.

Jas. L. McLemore

Entered in Chancery

Order Book No. 5,

page 131.

G. N. Gardner and Ella J. Gardner,his wife,J. M. Gardner and Elizabeth Gardner,his wife,J. W. Gardner and Mattie Gardner,his wife,Julia Gardner,L. W. Gardner,and Cora Gardner Jones and Herman A. Jones,her husband,Richie Saunders and Lizzie Saunders.....Complainants.

vs. in Chancery.

E. B. Gardner and Lillie Gardner,his wife,J. M. Gardner, Administrator of Matthew Gardner,Hinton Gardner and Mary Lee Gardner,the last two being under the age of twenty-one years.....Defendants.

This cause which has regularly matured came on this day to be heard on the bill taken for confessed as to the defendants,E. B. Gardner and Lillie Gardner,on the answer of J. M. Gardner,Administrator of the estate of Matthew Gardner,and answer of John K. Hutton,guardian ad litem of the infant defendants,Hinton Gardner, and Mary Lee Gardner,with general replication,and was argued by counsel.

On consideration whereof,the Court doth adjust,order and decree that the papers in this cause be referred to one of the commissioners of this Court,who is directed to enquire into and report:

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

2. If the same cannot be conveniently divided,whether any 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.

3. And,if the same cannot be conveniently divided,and if no party will take the entire property and pay the others for their interest,whether the interest of those who are entitled to the said property or its proceeds will be promoted by the sale of the property or by the allottments of part and the sale of the residue.

4. Whether there are any delinquent taxes due on said land or any other liens.

5. The fee simple and annual value of said land.

6. Whether all the proper parties in interest are before the Court.

7. That the said J. M. Gardner,Administrator of the estate of Matthew Gardner,render an account to the said Commissioner in Chancery of his transaction as said Administrator.

G. N. Gardner

vs. Reference.

E. B. Gardner et als.

Enter 8 Oct., 1917.

J. L. McLemore

Entered in Chancery

Order Book No. 5

Page 119

A. C. PHILPOTTS
Attorney and Counsellor at Law
335-337 MONTICELLO ARCADE
NORFOLK, VIRGINIA

Sept. 29, 1917.

Mr. J. M. Gardner,
Administrator of Matthew Gardner,
RFD #4, Box 143, Suffolk, Va.

Dear Sir:

Your letter dated Sept. 24, 1917, directed to Mrs. Ophelia Wood, 77 Lafayette Boulevard, Norfolk, Va., has been turned over to me for reply.

Mrs. Wood directs me to say that when your father was in Norfolk in May, 1917, she paid him $200 in cash in full settlement for the note mentioned in your letter, that your father stated that the note was lost, and that she has a receipt for the said $200, which receipt recites that the said $200 is payment for the said lost note. Mrs. Lottie L. Person, daughter of Mrs. Ophelia Wood, stated that she was present and saw her mother pay your father $200 in cash for the said note.

Thanking you for your inquiry, I am,

Yours very truly,

ACP/SR.

A. C. Philpotts,

Attorney for Mrs. Ophelia Wood, Mrs. Lottie L. Person, and J. R. Wood.

Exhibit "B"

Mrs Person J. H. Dr.

To the Treasurer of Norfolk County.

TANNERS CREEK

1917 TAX

SUBJECTS OF TAXATION	VALUATION	RATE OF STATE TAX PER $100	AMOUNT OF STATE TAX	County and Dist. Levies Real Estate County Levy, 45c. County School, 40c. County Road, 30c. Total, $1.15	TOTAL
"Note"					
800. Note made	800	65	5 20		
by Matthew Gardner,					
dated Dec. 5 1916					
to the order of					
Mrs J. H. Person					
Total					5 20

PAID Mar. 19, 1918

C. J. Duke, Treasurer

per E. Warrington Dep't

5 PER CENT. PENALTY.....

TOTAL TAX AND PENALTY...

C. J. DUKE
TREASURER, NORFOLK COUNTY, VA.
PORTSMOUTH, VIRGINIA

May, 28, 1918.

Mr. S. E. Everett,

Suffolk, Virginia.

Dear Sir:-

This is to certify that the Commissioner of Revenue, Mr. A. C. Phillpotts, certified to me a Supplemental Assessment of $800. Note made by Matthew Gardner, dated December, 5, 1916, and to the order of Mrs. J. H. Person, March, 19, 1918, and tax on this assessment was paid on the same date.

Respectfully,

C. J. Duke

Treasurer of Norfolk County.

A. C. PHILPOTTS
Attorney and Counsellor at Law
335-337 MONTICELLO ARCADE
NORFOLK, VIRGINIA

Nov. 15, 1917.

Mr. J. M. Gardner,
Administrator of Matthew Gardner,
R.F.D.#4, Box 143,
Suffolk, Va.

Dear Sir:-

Mrs. J. H. Person has placed in my hands for collection a note for the principal sum of eight hundred dollars ($800.00), signed by Matthew Gardner, dated December 5th,1916, and payable in one year after date at the Mercantile Bank of Norfolk, Va., with interest at 6% per annum payable at maturity.

I am directed to say that Mrs. person expects this note to be paid in full not later than December 5th, 1917. Kindly let me hear from you as to whether she may expect her money in full on the day of maturity.

An early reply will be appreciated.

Yours very truly,

A. C. Philpotts

Attorney for Mrs.
J. H. Person.

(a)

P/H

Exhibit "M"

A. C. PHILPOTTS
Attorney and Counsellor at Law
335-337 MONTICELLO ARCADE
NORFOLK, VIRGINIA

Nov. 27, 1917.

Mr. J. M. Gardner,
Personal Representative of Matthews Gardner,
R. F. D. # 4,
Suffolk, Va.

Dear Sir:-

I beg to call your attention to my letter of recent date with reference to a certain note of eight hundred ($800) dollars, which Matthews Gardner owes my client, Mrs. J. H. Person, which note is due now in a few days.

Kindly let me know what my client may expect as to settlement in full at maturity.

I am enclosing a stamped self addressed envelope for a reply. May I not hear from you at once?

Yours truly,

A. C. Philpotts

P/H

Exhibit (J) Sunday July 23 - 1917

Dear Mr Gardner -

Your letter came yesterday to Lottie. and I cant see why you dident get my letter, I wrote you last such a long letter and mailed it my self - and I know if it did not reach you I dont know where it could have gotten too. we are having lots of rain now and all the crops I expect will be ruined, I do wish we could have the sun shine and some more good weather one more time, dont you - people all in and around Norfolk are blue over the war -

Some of the boys and men are gone and I am expecting to have to go every day - Jim has not been called for yet but - nothing would surprise me any day now if Jim should have to go, you may just know I am in a lot of trouble. for I shall just kiss him and bye don't never expect to see him any more when ever he has to go - but I am going to try an console my self the best way that I can. how are you getting on now - and how is your health I do hope you are well and enjoying your self - for it does look like now that there will never be any more enjoyment for me - but we can't know till how things will work out, can we - but I do know one thing there has been a time when I knew pleasure without even one care, or any thing that was unpleasant to think about - but I shall always remember you with pleasure for I know you are good and have been so kind to me that I can never never forget you - I have been upset as for the past few weeks that I just have not been my self - so if you don't hear from me as often as you would like

you must just excuse that my time is so taken up with so many things that I cannot neglect my daily things that should not be neglected. but I shall never get so that I shall forget you for I know I will never - My sister has come home from Carolina and her daughter got hurt with an Automobile and I have visited them and say a lot for her, but she is getting well and I expect soon all right. to day is Sunday and a rainy day so would like you know it does make you feel bad. I will write to you just as often as I can and if any thing happens here I will let you here from me - with the love from a true heart I shall always remember you as a true friend to me -

Ina Hood -

Exhibit (H) Saturday May 26 17

My Dear Mr Gardner.

For very Sorry indeed, I have been delayed in writing you, I have been a way, my sister has been down in Carolina and I have been over in Norfolk Staying with the girls to keep them company, until She returned, Do you See I have it is, we cannot always do the things we ought two. have we You and how are you getting a long this cold

weather I often think of you, and wish we could have a nice warm weather on your account. For I know we will have this kind of weather down you - I have not been out myself - I have taken cold, and am almost worked down, you know there is so much to do around the house, and so much to look after that it has almost got the best of me - Jane knows I have

got to go back to norfolk
to day, to market, and some
other business to attend
to and by the time I get
back home will be some
tired, aunt L - you see you
don't have any thing to do
but to [illegible] think of your
girls, and that makes a
great difference, don't it -
I am writing this over before
breakfast all in bed but
my self and Jim, and he
has been gone since 6 4
o'clock -

Do you feel out the only
Dear one, I am always glad
at first- now I will write to
you a long letter the next time
and I want you to always
remember that I am the same
to you, to the end and I don't
want you to ever forget one-
for I feel towards you as a true
one, one that will always be
my friend, and stand the
test- Now I will have to say
good by for this time- with the
kindest of thoughts & love-

Ever loyal.

$ 800 00 (K)

NORFOLK, VIRGINIA. Dec 3 1916

One Year DAYS AFTER DATE 4 PROMISE TO PAY TO THE

ORDER OF Mrs. J. H. Person NEGOTIABLE AND PAYABLE WITHOUT OFFSET AT

Mercantile Bank

~~THE SEABOARD NATIONAL BANK OF NORFOLK~~,

~~NORFOLK, VIRGINIA~~.

Eight Hundred DOLLARS

THE ENDORSERS HEREOF WAIVE PROTEST, PRESENTMENT AND NOTICE OF DISHONOR, AND THE MAKERS AND ENDORSERS WAIVE THE BENEFIT OF THEIR HOMESTEAD EXEMPTIONS AS TO THIS OBLIGATION AND AGREE TO PAY COSTS OF COLLECTION, INCLUDING ATTORNEY'S FEES IF INCURRED.

(6% Int)

No. _____ DUE A Copy

Matthew Gardner

AFTER FIVE DAYS RETURN TO

C. J. DUKE.

TREASURER OF NORFOLK COUNTY

PORTSMOUTH, VA.

77 Lafayette boul
& Bel Park

Exhibit "G"

Mrs Hood My dearest one.
I hope you will excuse me for
not writing sooner for I never had
so much trouble one year in my
life it seems every body that owes
me a dollar or friend I beat me
out of it one & Frank has had
a lot of trouble over my rent had
to warrant him & it put me to
Purito Rand now don't know when
it will be settled, I presumed this
must be my unlucky year if
there is such a thing & think
the little girl has treated me cool
to her to send the money by Reg-
istered letter to post office Mother &
your self but a few pennys I will
be the safest way have no trouble
with & speak expect short notice
to hear from you real soon and
anything else now I want to
get to bed you are sure as I am
Hope you & the family are well
my best love & prayers are ever from me
who will write to you to the last
oh & wish I could see them poor

yours Bye Bye M. Gardner.
let her a mite too many
I need it bad,

Dec 30-1910

Letter written between Jan 1 and April 1917 #77 La Fayette, Ind. R 6 Box 66 R. Ind.

Exhibit "h"

Dear Mr Gardner

I am writing to ask you pardon you please find me as much of the money that you borrowed from me as possible I need it and if you can let me have it I will certainly appreciate it I let you have the money as a favor for I needed it myself and truly hope you can let me have as much of it as easily as possible Please let me hear from you at once We are all

Dear Hope you are getting on
better don't fail to let me hear
from you.

Sincerely
Lottie L. Person.

Exhibit (G-1)

No. _____ DUE _____

$ _____ NORFOLK, VA. _____ 191____

_____ DAYS AFTER DATE, ____ PROMISE TO PAY TO THE

ORDER OF _____ NEGOTIABLE AND PAYABLE WITHOUT OFFSET, AT THE

MERCANTILE BANK
INCORPORATED

_____ DOLLARS,

FOR VALUE RECEIVED, WITH COSTS OF COLLECTION OR ANY ATTORNEY'S FEES, IF INCURRED, IN CASE PAYMENT SHALL NOT BE MADE AT MATURITY, AND WE, THE MAKER OR MAKERS ENDORSER OR ENDORSERS, HEREBY WAIVE THE BENEFIT OF OUR HOMESTEAD EXEMPTION AS TO THIS DEBT, AND ALSO WAIVE PROTEST, PRESENTATION AND NOTICES OF DISHONOR.

_____

THE PAUL CO. BALTO.

Letter written between April & time of death this,

#77 Lafayette Road,
Norfolk, Va.

Exhibit "O"

Dear Mr Gardner,

When you were here you promised you told me, you were going back home and send me the money why is it you don't send it? I told you when you were here I wanted it needed the money And you said you would come back and bring it or send it. I don't understand why you don't send it You promised me in the presence of all Roma & Jean

that you would, I find when you Loan money it is so easy job to get it back, But you can get it out are right. Now Mr Gardner I am expecting the money at once I hope this may find you getting on so lighting are right.

Sincerely.
Lellie L. Person.

Exhibit (2) Saturday July-7- 1917-

Norfolk Va-

My dear Mr Endrie-

I have just arrived home, and your letter came to day just as I was getting ready to go over to Norfolk- to the market. I intended to write you to morrow, sunday, when I could have more time, and obtain matter on which to have been, but thought I had better write you a few lines now and mail this evening, so you would hear from me Monday have hope you have getting along long- I hope you are well and dandy. I heard of the you were

and a bout your visit down
there, I hope you enjoyed your
visit if I didint see you. dont
that look like love, so near and
yet so far away - But that
was all right if you enjoyed
your self - that it is all right
with me. we all will have
not been rich, but have been
getting a round so much that
I am just tired out. it seems
to me that I have had more to
do at home this Spring than I
ever did in all my life, its just
one thing to on other all the time
and one having quite a rainy
day; but I shall have to go
and to norfolk just the same -
it is now four o'clock and I
shall have to be going, or will
have to make my letter a short
one this time, well I hope you
are well and happy and getting
along all right - and talking
me to always be the same -
homicidly - Mrs Lund -

Mrs Ophelia Wood

(2)

Pay Any Bank, Banker or Trust Co.
OR ORDER
FEB 19 1913
The National Bank of Commerce
of Norfolk, Va.
68-36

SUFFOLK, VA., Feb 13 1915 No.

National Bank of Suffolk

68-124

PAY TO THE ORDER OF Mrs Ophelia Wood $50.00

Fifty & no/100 DOLLARS

FOR (F.) Matthew Gardner

LAW OFFICES

Everett & Hutton

SUFFOLK, VA.

1 51

G.N.Gardner, et als. ,. . . . . Complainants

vs. DECREE

E.B.Gardner, et als. . . . . Defendants

This cause came on again this day to be heard on the papers formerly read and on the report of S.E.Everett, Special Commissioner, this day filed, to which report there is no exception, and was argued by counsel.

On consideration whereof, it appearing to the Court from the said report of said Commissioner, with voucher filed therewith that the said Commissioner, in accordance with a decree entered the 7th day of September, 1920, paid to L.W.Gardmer, Guardian of Mary Lee Gardner, infant defendant in this cause, the sum of Three Hundred and Fifty-seven and 39/100, which was her share, deposited in the National Bank of Suffolk subject to the order of the Court, the Court doth adjudge, order and decree that the said report be confirmed,.

And there remaining nothing further to be done in this cause it is ordered stricken from the docket.

G.N.Gardner, et als

vs. DECREE

E.B.Gardner, et als.

Enter this 13th day of

October 1920

J.W.Lemore.

Entered in Chancery

Order Book, No 5

Page, No. 301

G.N.Gardner, et als. . . . . Complainants

vs

E.B.Gardner, et als. . . . . Defendants

This cause came on this day to be heard on the papers formerly read and on the report of S.E.Everett, Special Commissioner, this day filed, to which report there is no exception, and was argued by Counsel.

On Consideration whereof, it appearing to the Court from the said report that the said S.E.Everett, Special Commissioner, disbursed the funds in his hands according to the decrees heretofore entered, and deposited in Bank Three Hundred and Fifty-two and 70/100 ($352.70) Dollars, the share of Mary Lee Gardner, infant, and filed a deposit slip, showing said deposit, the Court doth adjudge, order and decree that the said report be confirmed; that the said amount of Three Hundred and Fifty-two and 70/100 ($352.70) Dollars deposited in the National Bank of the City of Suffolk remain in said Bank subject to the further orders of this Court, and there remaining nothing further to be done in this cause, it is ordered that the same be stricken from the docket, but to be reinstated upon motion should it become necessary to make further disposition of the amount deposited in bank by authority of this order.

G.N.Gardner,et als.

vs Final decree

E.B.Gardner, et als.

Entered this 2. day of

Feb. 1920

J. L. McLemore

Entered in Chancery

Order Book, No. 5

Page, No. 548

To G.N.Gardner and Ella J.Gardner,his wife,J.M.Gardner,and Elizabeth Gradner,his wife,J.W.Gardner and Mattie Gardner,his wife,Julia Gardner and Cora Gardner Jones and Herman A.Jones her husband,L.W.Gardner,Richie Saunders and Lizzie Saunders,

and

E.B.Gardner and Lillie Gardner,his wife, J.M.Gardner,Administrator of Matthew Gardner,Hinton Gardner,and Mary Lee Gardner, the last two being infants under the age of 21 years of age, and John K.Hutton,Guardian ad Litem of said infant defendants.

You are hereby notified that on the 23rd.day of October 1917 at my office in Suffolk,Va. (at which time and place you are required to attend),I shall take,state and settle the following accounts, which are to be taken,stated,settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County,Va. rendered on the 8th.day of October 1917,in the suit in chancery in said Court to which you are parties plaintiff and defendant,to-wit:

(1) Whether the real estate in the bill mentioned can be divided in kind conveniently among the parties entitled to share therein.

(2) If the same can not be conveniently divided,whether any 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.

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

(4) Whether there are any delinquent taxes due on said land or any other liens.

(5). The fee-simple and annual value of said land.

(6) Whether all paroper parties in interest are before the Court.

(7) That the said J.M.Gardner,Administrator of the estate of Matthew Gardner,render an account to the said Commissioner in Chancery of his transactions as said Administrator.

(8) Any other matter deemed pertinent by said Commissioner or required to be specially stated by any party in interest.

Given under my hand as Commissioner in Chancery of said Court this 15th.day of October 1917.

Bradford Kelly

Commissioner in Chancery.

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

H. Bowers — Atty for all parties except E. B. Gardner and Lillie Gardner and the infants.

Glen K. Owen

Guardian ad litem

for infant defendants

Executed on the 16 day of Oct 1917 within the county of Nansemond, by delivering a true copy of the within process, in writing, to E. B. Gardner in person and Lillie Gardner in person

E. E. Wray m

Sheriff of Nansemond County.

Virginia,

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

G.N.Gardner et als.)
)
v.) In Chancery.
)
E. B. Gardner et als.)

Commissioner's office,

Suffolk, Va. Oct. 23, 1917.

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

In pursuance of the decree of the Circuit Court for the County of Nansemond pronounced on the the 8th.day of October 1917, in the suit in chancery pending in said court between G.N.Gardner and others, Complainants and E.B.Gardner and others, Defendants, the undersigned, Bradford Kilby, one of the Commissioners in Chancery for said court, respectfully reports as follows:

That on the 15th.day of October 1917, your commissioner gave notice to the parties to said suit that he would proceed on the 23rd. day of October 1917, at his office , in Suffolk, Va. to make the several inquiries required by said decree to be made by one of the Commissioners in Chancery of said Court.

That said notice was served on some of the parties to said suit by the Sheriff of Nansemond County Circuit Court, and accepted by others, as will appear by the copies of said notice herewith returned and made a part of this report.

That on the 23rd. day of October 1917 at his said office, your commissioner took the depositions of C.R.Fulgham, George E.Bunting, E.E.Wagner and J.M.Gardner touching said inquiries, which depositions are herewith returned.

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

(1)

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

(2)

No party in interest will take the entire property and pay therefor to the other parties such sums of money as their interests may entitle them to.

(3)

The interests of those entitled to said property or its proceeds will be promoted by a sale of the same rather than by an allotment of part and sale of the residue.

(4)

There are no delinquent taxes due on the farm in Nansemond County nor any liens by way of judgment or deeds of trust. The 1917 taxes on said farm are now due,amounting to the sum of $32.20.

The taxes for 1916 on the lot No.4,Block 14 in Fairmount Park, Norfolk County,Va. are delinquent. They amount to $1.91. The 1917 taxes on said lot are due amounting to $1.90. Your commissioner is not able to report whether there are any liens on said lot by way of judgment or deeds of trust,at this time.

(5)

The fee-simple value of the farm in Nansemond County,Va. is from $6000. to $6500. and its annual value is about $250.

Your commissioner has no information as to the fee-simple value of the lot No.4 in Block 14 Fairmount Park,Norfolk County,Va.,other than said Matthew Gardner paid $250. for it on May 14th.1914. It has no annual value,being a vacant lot.

(6)

All proper parties in interest are before the Court.

(7)

J.M. Gardner, Administrator of the estate of Matthew Gardner is not prepared to make, at this time, to your commissioner an account of his transactions as Administrator. He has been unable to collect many of the debts due the estate, and has paid none yet.

(8)

The Administrator wishes it to be specially stated that this is the best time of the year to sell the farm in Nansemond County, Va. which is clear of all liens, so far as the records show, and your commissioner is of the opinion that it would be to the advantage of all parties concerned, whether they be heirs or creditors, to sell the said farm, between now and Jan. 1, 1918.

There is no other matter deemed pertinent or required by any party in interest to be specially stated.

Respectfully submitted this 23rd. day of October 1917.

Bradford Kilby

Commissioner in Chancery.

Comr's fee: $ 25.

C. R. Fulgham,being duly sworn,deposes as follows:

Q. What is your name,age,resident and occupation?

A. C. R. Fulgham,47,Nansemond County,Farmer and Treasurer of Nansemond County.

Q. Did you know Mr. Matthew Gardner?

A. Yes.

Q. Are you familiar with the farm near Exit?

A. I was a long time ago,and I think I have a clear recollection of it yet.

Q. The heirs of Mr. Matthew Gardner have instituted suit for division of the farm and other lands in Norfolk County;what is your opinion as to whether the farm in Nansemond County be divided advantageously among the parties entitled?

A. No,there are six shares,I know,and I don't think it could be divided to any advantage to them.

Q. Then would the interest be promoted by sale?

A. Sure.

Q. What is the fee simple value of that farm?

A. The farm is not kept up as it used to be,and I think it ought to sell for something around six or seven thousand dollars.

And further this deponent saith not.

C. R. Fulgham

George E. Bunting,being duly sworn,deposes as follows:

Q.What is your name,age,resident and occupation?

A.George E. Bunting,45,Nansemond County,Farmer and Clerk of the Circuit Court of Nansemond County,and desire to hold the position forever.

Q.Are you familiar with the farm of Mr. Matthew Gardner?

A.I am.

Q.There are six shares in said farm,would you think it to the interest of those interested to have it divided among them all, or have a sale and divide the proceeds?

A. I think that it would be better to have a sale and divide the proceeds.

Q. How many acres of clear land are there on the farm?

A. I would say about fifty.

Q. What is the fee simple value of said farm?

A. Six or seven thousand dollars.

Q. What is the annual value of said farm?

A. I understand that it was rented for two hundred and fifty dollars .

And further this deponent saith not.

G. D. Brabble

E. E. Wagner,being duly sworn,deposes as follows:

Q. What is your name,age,resident and occupation?

A. E. E. Wagner,44,Nansemond County,Sheriff of Nansemond County and desires to hold this position if food-stuff comes down.

Q. Did you know Mr. Matthew Gardner?

A. Yes sir.

Q. What do you think is the fee simple value of said farm?

A. Six thousand dollars.

Q. Do you think that it would be to the interest of those interested to have the land divided ,or a sale and the proceeds divided?

A. Sale.

And further this deponent saith not.

E. E. Wagner

J. M. Gardner,being duly sworn,deposes as follows:

Q. What is your name,age,resident and occupation?

A. J. M. Gardner,son of Matthew Gardner,50,Nansemond County, Farmer.

Q. Have you qualified on the estate of your father,Matthew Gardner?

A. Yes sir.

Q. Are you prepared to render an account to the said Commissioner in Chancery of your transactions now on the estate of your father?

A. No sir,the rent is not due and I can't demand it,and I have not been able,so far,to collect the small claims.

Q. Could the farm in Nansemond County be conveniently divided between the heirs?

A. No sir.

Q. Do they all wish a sale?

A. They do.

Q. How many shares in the farm?

A. Six.

Q. What is the fee simple value of the farm?

A. Five or six thousand dollars.

Q. Are you familiar with the lot in Norfolk County?

A. Never have seen it.

Q. You only know from your father's papers that it cost two hundred and fifty dollars?

A. That is all,and I don't know whether it is worth any more or not. He bought this lot on the 14th day of May,1914. The No. of the lot is No. 4,Block 14 Fairmont Park.

I read you now the members of the suit and see if all of the parties are before the Court;G. N. Gardner and Ella J. Gardner,his wife,J. M. Gardner and Elizabeth Gardner,his wife,J. W. Gardner and Mattie Gardner,his wife,Julia Gardner,L. W. Gardner,Cora Gardner Jones and Herman A. Jones,her husband,Richie Saunders,M. T. Saunders and Lizzie Saunders,E. B. Gardner and Lillie Gardner,his wife,J. M. Gardner,Administrator of Matthew Gardner,Hinton Gardner and Mary Lee Gardner.

Q. Are they all the parties that are interested in this suit?

A. They are.

Q. Is there anything else that you wish to say about this?

A. I would like to have a report on this. As far asthe land is concerned in Nansemond County,I feel satisfied that it would bring

more pay selling at about thirty or sixty days before the first of the year,so the purchaser would know whether he could occupy it for the coming year or not.

And further this deponent saith not. J. W. Gardner

IN CHANCERY.

G. N. Gardner et als.

v.

E. B.Gardner et als.

Commissioner's Report.

Report of Bradford Kilby,
Commissioner in Chancery,
under decree of October 8th.
1917.
Filed

Oct. 24 1917
J. B. Dimmock
Clerk

BRADFORD KILBY
Attorney at Law
SUFFOLK, VIRGINIA.

Baltimore Office Supply Company, Baltimore, Md.

G. N. Gardner, Ellenor J. Gardner, his wife,
J. M. Gardner and Elizabeth Gardner, his wife,
J. W. Gardner and Mattie Gardner, his wife,
Julia Gardner, L. W. Gardner, Cora Gardner Jones
and Herman Jones, her husband, Richard Saunders,
M. T. Saunders and Lizzie Saunders, his wife.....Complainants

vs. IN CHANCERY

E. B. Gardner and Lillie Gardner, his wife,
J. M. Gardner, Administrator of Matthew Gardner,
Hinton Gardner and Mary Lee Gardner, the last two
being infants under the age of twenty-one years.....Defendants

This cause came on this day to be again heard on the papers formerly read and on the report of S. E. Everett, Special Commissioner, this day filed, to which report there is no exception and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that this cause be reinstated on the docket, by authority of Section 6297 of the Code of Virginia, and it appearing to the Court from the said report that on the 13th day of December, 1917, a decree was entered directing S. E. Everett, Special Commissioner, to convey a certain lot described as follows:

"One certain lot Number 4, in Block Number 14, Fairmount Place, in Norfolk County, Virginia"

to Mrs. E. L. Gardner, and it further appearing to the Court from the said report of the said Commissioner, that the description of the said property was taken from handwriting that was illegible and was referred to in the said decree as "Fairmount Place", and that a more accurate description would have been: "All that certain lot or parcel of land, situated in the County of Norfolk, in the State of Virginia, known, numbered and designated as lot Four (4), Block Fourteen (14) on the plat of Fairmount Park, which said plat is recorded in the Office of the County Clerk, Norfolk County, Virginia, in Map Book 6, pages 34 and 35, said lot contains thirty-three and one-third (33 1/3) feet front on Lafayette Boulevard and extends

back of even width and parallel with First Street one hundred (100) feet, as will more fully appear by said reference to survey and map of Fairmount Park, it being the same property conveyed to F. W. Elliott by Norfolk Washington Syndicate, Inc., by deed dated the 19th day of October, 1909 and duly recorded in the Office of the County Clerk of Norfolk County, Virginia, in Deed Book 344, page 405", the Court doth adjudge, order and decree that the said S. E. Everett, Special Commissioner, convey unto Mrs. E. L. Gardner a deed to:

"All that certain lot or parcel of land, situated in the County of Norfolk, in the State of Virginia, known, numbered and designated as lot Four (4), Block Fourteen (14) on the plat of Fairmount Park, which said plat is recorded in the Office of the County Clerk, Norfolk County, Virginia, in Map Book 6, pages 34 and 35, said lot contains thirty-three and one-third (33 1/3) feet front on Lafayette Boulevard and extends back of even width and parallel with First Street one hundred (100) feet, as will more fully appear by said reference to survey and map of Fairmount Park, it being the same property conveyed to F. W. Elliott by Norfolk Washington Syndicate, Inc., by deed dated the 19th day of October, 1909, and duly recorded in the Office of the County Clerk of Norfolk County, Virginia, in Deed Book 344, page 405."

E. B. Gardner et als

vs. DECREE

E. B. Gardner et als

Enter 28 day of April, 1923.

Jas L. McGhee.

Entered April ____, 1923,

Chancery Order Book

No. 51, page 420

In the Circuit Court of Nansemond County:

G. N. Gardner and Ella J. Gardner,his wife,J. M. Gardner and Elizabeth Gardner,his wife,J. W. Gardner and Mattie Gardner,his wife,Julia Gardner,L. W. Gardner, and Cora Gardner Jones and Herman A. Jones,her husband,Richie Saunders and Lizzie Saunders.....Complainants.

vs.

E. B. Gardner and Lillie Gardner,his wife,J. M. Gardner,Administrator of Matthew Gardner,Hinton Gardner and Mary Lee Gardner,the last two being under the age of twenty-one years.....Defendants.

The answer of John K. Hutton,guardian ad litem appointed to defend Hinton Gardner and Mary Lee Gardner in this suit,in proper person,to a bill of complaint filed against E. B. Gardner and Lillie Gardner,his wife,J. M. Gardner,Administrator of Matthew Gardner,Hinton Gardner and Mary Lee Gardner in the Circuit Court of Nansemond County by John K. Hutton,guardian of Hinton Gardner and Mary Lee Gardner.

This respondent reserving to himself the benefit of all just exceptions to the said bill of complaint,for answer thereto, answers and says:

That he is the guardian ad litem appointed to defend Hinton Gardner and Mary Lee Gardner in this suit; that he knows nothing as to the truth or falsity of the statements in the said bill of complaint; and that he prays full rpotection of the Court for Hinton Gardner and Mary Lee Gardner,the said infant defendants.

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

John K. Hutton
Guardian ad litem Respondent.

Counsel.

The Answer of

John K. Hutton.

1917 Octo. 8. Filed

In the Circuit Court of Nansemond County:

G. N. Gardner and Ella J. Gardner,his wife,J. M. Gardner and Elizabeth Gardner,his wife,J. W. Gardner and Mattie Gardner,his wife,Julia Gardner,L. W. Gardner, and Cora Gardner Jones and Herman A. Jones,her husband, Richie Saunders and Lizzie Saunders.....Complainants.

vs.Answer.

E. B. Gardner and Lillie Gardner,his wife,J. M. Gardner, Administrator of Matthew Gardner,Hinton Gardner and Mary Lee Gardner,the last two being under the age of twenty-one years.....Defendants.

The answer of J. M. Gardner,Administrator of Matthew Gardner, to a bill of complaint against him in the Circuit Court of Nansemond County by G. N. Gardner et als complainants.

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

(1) That all parties interested are made parties to this suit, that the land cannot be divided among the parties entitled thereto, and your respondent does not know of anyone that would take the said property,and pay the others for their interest.

Thus there is nothing left to be done,except to sell the same at public auction,and divide the proceeds after taking out the dower interest of J. M. Gardner,Administrator of Matthew Gardner.

(2) Your respondent will render an account with proper vouchers before the commissioner called upon.

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

J. M. Gardner, Admr. of Matthew Gardner

Respondent.

The Answer of

J. M. Gardner,

Administrator.

1917 Octa. 8 filed

G. N. Gardner and Ella J. Gardner,his wife,J. M. Gardner and Elizabeth Gardner,his wife,J. W. Gardner and Mattie Gardner,his wife,Julia Gardner,L. W. Gardner,and Cora Gardner Jones and Herman A. Jones,her husband,Richie Saunders,M. T. Saunders and Lizzie Saunders.....Complainants.

vs. in Chancery.

E. B. Gardner and Lillie Gardner,his wife,J. M. Gardner, Administrator of Matthew Gardner,Hinton Gardner and Mary Lee Gardner,the last two being under the age of twenty-one years.....Defendants.

To the Honorable Circuit Court of Nansemond County:

Your complainants,G. N. Gardner and Ella J. Gardner,his wife,J. M. Gardner and Elizabeth Gardner,his wife,J. W. Gardner and Mattie Gardner,his wife,Julia Gardner,L. W. Gardner,and Cora Gardner Jones and Herman A. Jones,her husband,Richie Saunders, M. T. Saunders and Lizzie Saunders,respectfully represent:

(1) That your complainants father,Matthew Gardner,was in his life-time seized and possessed of certain real estate situated in Nansemond County,Virginia,and also in Norfolk County,Virginia, and while so seized and possessed,the said Matthew Gardner,on or about the 1st day of August,1917,died intestate,leaving your complainants,and E. B. Gardner,Hinton Gardner and Mary Lee Gardner,the last two being infants under the age of twenty-one years,his only children and heirs at law.

The said land is described as follows:

(A) All that certain tract of land containing 238 acres, situated in Chuckatuck District,Nansemond County,Virginia,and bounded as follows:

By the land of A. B. Hargraves,Indian Swamp,Phillips Mill Pond and the lands of James Fulgham and Joseph Fulgham,and being the same land conveyed to the said Matthew Gardner by deed duly executed by Artiemacy C. Harley and Alexander Harley Jr.,and dated the 5th day of January,1882,and recorded in the Clerk's

Office of the Circuit Court of Nansemond County,Virginia,in deed book 10,page 56.

(B) One certain lot NO. 4,in block 14,Fairmont Place in Norfolk County,Virginia,known as"Prospect Hill Farm".

(2) The estate is to be divided into six shares as follows: 1/6 to G. N. Gardner,1/6 to J. M. Gardner,1/6 to J. W. Gardner,1/6 to E. B. Gardner,1/6 to the widow and heirs of E. L. Gardner,namely: Julia Gardner,his wife,L. W. Gardner,his son, Cora Gardner Jones,his daughter,Hinton Gardner,his son, and Mary Lee Gardner,his daughter,and 1/6 to the husband and heirs of Elizabeth A. Saunders,namely: Richard Saunders,her husband,W. T. Saunders,her son, and Lizzie Saunders,her daughter.

(3) That the said real estate is,as they believe,susceptible of partition among the parties entitled thereto; but should the property not be divisible in kind,the 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 E. B. Gardner and Lillie Gardner,his wife, J. M. Gardner,Administrator of Matthew Gardner,Hinton Gardner and Mary Lee Gardner may be made parties defendant to this bill and required,but not on their oaths,to answer the same,the oaths being hereby waived,the said adults in their own proper person,and the 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 estate be divided between the parties entitled thereto,or else,if it cannot be so devised,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 statute for such cases made and provided; that a proof of debts be taken and

a settlement of the account of the Administrator had; 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 his case may require, or to equity shall seem meet.

H. C. Fournier
Counsel.

F. N. Gardner & Ellen J. Gardner
J. M. Gardner & Elizabeth Gardner
J. V. Gardner & Nellie Gardner
Julia Gardner & L. W. Gardner
Cora Gardner Jones
Herman A. Jones
Richie Gardner and
Fizzie Saunders
Complainants

G. N. Gardner et al
vs Bill
E. B. Gardner et al

1,50
8,51
1,00
13,00

Exhibit F

H. H. Sandusky
vs. Chancery
E. B. Sandusky

Appeal Docket
Rec'd 1910