1933-081
Nansemond Co (Suffolk) Chancery Causes: Mrs Willie R. Gatling, gdn vs Azzie Queldah Gatling, infant et al 96

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Mrs. Willie R. Gatling in her own right, Azzie Queldah Gatling, Mary Emily Gatling, Infants, and John J. Gatling

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 October, 1911., to answer a Bill in Chancery, exhibited against them in the said Court by Mrs. Willie R. Gatling, Guardian of Azzie Queldah Gatling and Mary Emily Gatling,

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court, at his office, this 9th day of October, 1911, in the 136th year of the Commonwealth.

~~A copy Teste:~~

....., ~~CLERK.~~

Teste:

R. R. Smith, CLERK.
By A. J. Smith, D.C.

E. H. Williams p. q.

Mrs. Willie R. Gatling, Exrx,

vs. } In Chancery.

Mrs. Willie R. Gatling, in her own right, & others.

19 11

October Rules.

Thurs Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 100

We hereby accept due & legal service of the within process.
E. H. Williams. P.Q.
Jno. J. Gatling
Mrs. Willie R. Gatling By Counsel
John S. Lee,
Guardian ad litem for Azzie Suldah Gatling & Mary Emily Gatling, infant defendants.

TO THE CLERK OF THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Mrs. Willie R. Gatling, Guardian
of Azzie Queldah Gatling and
Mary Emily Gatling..... Plaintiff.

vs.) In Chancery.

Mrs. Willie R. Gatling in her
own right, Azzie Queldah Gatling
Mary Emily Gatling, Infants, and
John R. Gatling..... Defendants.

Issue Summon in Chancery to Second October Rules, 1911, against the said Defendants to answer the said Plaintiff a Bill in Chancery.

E. H. Wrecions p.q.

Please appoint John Lee Guardian ad litem.

VIRGINIA:

In the CLERK'S OFFICE of the CIRCUIT COURT of the COUNTY OF NANSEMOND, on the 2nd day of October, 1911

I, R. R. SMITH, Clerk of the Circuit Court of the County of Nansemond, in the State of Virginia, do certify that it appears from the records of the said Court, on file in my office, that Mrs. Willie R. Gatling

duly qualified on the 29th day of September, 1911, as guardian of Azzie Lueldah Gatling and Mary Emily Gatling, infants ~~of the estate of ~~, deceased;~~ and that she executed and acknowledged a bond as prescribed by law, in the penalty of $1,000.00, with J. E. Rawls as surety

GIVEN UNDER MY HAND the day and year first herein above written.

R. R. Smith, CLERK,

By M. M. Watkins, D. C.

Virginia:

In the Clerk's Office of the Circuit Court of Nansemond County, the 9th day of October, 1911.

Mrs. Willie R. Gatling, Guardian of Azzie Queldah Gatling and Mary Emily Gatling

vs.

Mrs. Willie R. Gatling in her own right, Azzie Queldah Gatling, Mary Emily Gatling, infants, and John J. Gatling.

It appearing that Azzie Queldah Gatling and Mary Emily Gatling, two of the defendants herein are infants, the Clerk doth appoint John P. Lee, a discreet and competent Attorney at law, as Guardian ad litem to such infant defendants.

Teste:

R. R. Smith, Clerk

By M. M. Harris D.C.

IN THE CIRCUIT COURT OF THE COUNTY OF ~~ISLE OF WIGHT~~ Nansemond,

VIRGINIA:

Mrs. Willie R. Gatling, Guardian for Azzie Queldah Gatling and Mary Emily Gatling.....Plaintiff.

---VS---

Mrs. Willie R. Gatling, in her own right, Azzie Queldah Gatling, Mary Emily Gatling and John J. Gatling.....Defendants.

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This cause came on this day to be heard upon the complainant's bill, the joint and separate answer of the adult defendants, Mrs. Willie R. Gatling, in her own right, and John J. Gatling, and upon the answers of the said infant defendants by their guardian ad litem, J. T. Lee, who was assigned as such above rules, duly sworn to, and the answer of said guardian ad litem, duly sworn to, and the separate answer of said Azzie Queldah Gatling, an infant over the age of fourteen years, duly sworn to, and upon the general replications to said answers and was argued by counsel.

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

1. Of what estate, real and personal, the infant defendants are possessed or entitled to, and what are their respective shares and interests therein.

2. The annual and fee-simple values of said real estate.

3. Whether or not it is to the best interests of the said infant defendants to sell the land in the bill and proceedings of this cause mentioned and described, and apply the proceeds of said sale to the maintenance and education of the said infant defendants.

4. Whether or not there is any lien indebtedness existing against said land with priorities.

5. Whether the rights of any person will be violated by such sale and application of the proceeds.

6. Who would be the heirs at law or distributees of said infants if they were dead, and whether all such persons are properly before the Court.

Which said inquiries the said commissioner shall make, after first giving notice of the time and place thereof to all parties, or their counsel, and report the same to the Court, along with any matter specially stated deemed pertinent by himself or required by any party to be so stated.

MRS. WILLIE R. GATLING, Gdn.

vs) D E C R E E:

MRS. WILLIE R. GATLING et als.

1911 Dec. 14. Enter.
James L. McLemore.

Entered in Chancery
Order Book No. 4.
Page 494

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND,

VIRGINIA:

Mrs. Willie R. Gatling, Guardian for Azzie Queldah Gatling and Mary Emily Gatling.....Plaintiff.

VS) In Chancery,

Mrs. Willie R. Gatling, in her own right, Azzie Queldah Gatling, Mary Emily Gatling and John J. Gatling.....Defendants.

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The answer of Azzie Queldah Gatling and Mary Emily Gatling, infants under the age of twenty-one years, by J. P. Lee (a discreet and competent attorney at law), their guardian ad litem assigned to defend them in this suit, and the answer of the said J. P. Lee, guardian ad litem of the said infant defendants, to a bill of complaint exhibited against the said infants and others by Mrs. Willie R. Gatling, in the Circuit Court of the County of Nansemond, Virginia.

For answer to the said bill the said infant defendants by their guardian ad litem answer and say that being of tender years they do not know what their true interests are in relation to the subject-matter of the said bill, nor do they know whether the statements therein contained are true or not. They confide the protection of their interests therein to the care of the court. And the said guardian ad litem of the said infant defendants for answer to the said bill answers and says that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infant defendants.

And now, having fully answered, these defendants pray to be hence dismissed, with their costs, etc.

Azziquedah Gatling
Mary Emily Gatling } By J. P. Lee
Guardian ad Litem.

J. P. Lee, Guardian ad Litem of the Said Infants.

STATE OF VIRGINIA,

County of Nansemond, to-wit:

Sworn to before me in my county aforesaid by J. P. Lee, guardian ad litem as aforesaid, this the 18th day of December, 1911.

H. C. Bowden, N. P.

MRS.WILLIE R. GATLING, Gdn.

Vs.) ANSWER OF GUARDIAN ad LITEM:

MRS.WILLIE R.GATling, et als.

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

1911 Dec 13- Filed
M.M.Watkins D.C.

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND,

VIRGINIA:

Mrs. Willie R. Gatling, Guardian for Azzie Queldah Gatling and Mary Emily Gatling.....Plaintiff,

VS.)

Mrs. Willie R. Gatling, in her own right, Azzie Queldah Gatling, Mary Emily Gatling and John J. Gatling.....Defendants.

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The joint and separate answers of Mrs. Willie R. Gatling, in her own right, and John J. Gatling to a bill in equity exhibited against them and others in the Circuit Court of the County of Nansemond, Virginia, by Mrs. Willie R. Gatling, Guardian.

These respondents saving and reserving, etc., for answer to the said bill say that they believe the statements therein made are true. These respondents do not object to the sale of the real estate as prayed for in the said bill; they concur in the prayer of the said bill, and the said Mrs. Willie R. Gatling, in her own right, further answers that she is willing to accept her commuted dower interest in the said real estate.

And now having fully answered, they pray to be hence dismissed with their costs, etc.

Mrs. Willie R. Gatling

John J. Gatling

By J. Gatling

Affidavit to foregoing answer waived.

E. H. Williams, Counsel for Complainant.

Mrs. Willie R.Gatling. C'dn

VS.) ANSWER OF ADULT DEFENDANTS:

Mrs. Willie R.Gatling. et als.

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

1911 Dec 13- Filed
M.M.Watkins D.C.

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND,

VIRGINIA:

Mrs. Willie R. Gatling, Guardian for Azzie Queldah Gatling and Mary Emily Gatling.....Plaintiff.

VS.) In chancery

Mrs. Willie R. Gatling, in her own right, Azzie Queldah Gatling, Mary Emily Gatling and John J. Gatling.....Defendants.

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The answer, under oath, of Azzie Queldah Gatling, infant under the age of twenty-one, but over the age of fourteen, to a bill of complaint exhibited against her and others by Mrs. Willie R. Gatling, Guardian, in the Circuit Court of the County of Nansemond, Virginia.

For answer to the said bill this defendant says that she is 15 years of age; that she, by reason of her tender years, knows but little of the allegations of the said bill; so far as she does know she believes the same to be true, and she sees no reason why the prayer of the bill should not be granted, and accordingly she concurs therein, but she relies upon the court to protect her interests. And now, having fully answered, she prays to be hence dismissed, with her costs. And she will ever pray, etc.

Azzie Queldah Gatling

STATE OF VIRGINIA,

County of Nansemond, to-wit:

Sworn to before me in my county aforesaid by Azzie Queldah Gatling, this 11th day of Dec, 1911.

W. H. Leathers N. P.

My Commission Expi
Sept. 30th, 1914.

Mrs.WILLIE R.GATLING, Gd'n.

ANSWER OF
VS.) INFANT DEFENDANT:

Mrs. Willie R. GATLING, et al

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

1911 Dec 13- Filed
M.M. Watkins D.C.

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND,

VIRGINIA:

Mrs. Willie R. Gatling, Guardian for Azzie Queldah Gatling and Mary Emily Gatling.....Plaintiff.

VS.)

Mrs. Willie R. Gatling, in her own right, Azzie Queldah Gatling, Mary Emily Gatling and John J. Gatling.....Defendants.

TO THE HONORABLE , J. L. McLEMORE, JUDGE OF THE CIRCUIT COURT

FOR THE COUNTY OF NANSEMOND:

Humbly complaining, showeth unto your honor your complainant, Mrs. Willie R. Gatling, Guardian of Azzie Queldah Gatling and Mary Emily Gatling, infant children of J. Vivian Gatling, deceased, that she was appointed and qualified as the guardian of the said infants in your honor's court on the 2nd. day of October, 1911, as will appear from a certificate of the clerk of the court showing the same, herewith filed, marked exhibit "A" and prayed to be taken as a part of this bill. That the said infants are aged as follows: Azzie Quelday Gatling 15 years, and Mary Emily Gatling, 12 years. That the said infants are the owners in fee-simple of the following real estate, subject to the dower interest of the said Mrs. Willie R. Gatling, namely: All that certain tract, piece or parcel of land lying, being and situate in Holy Neck District, in the County of Nansemond, State of Virginia, containing 192½ acres, more or less, and bounded by the lands of B. D. Jones, Macon Jones, Titus Wal-

den and others, and being the same tract of land of which the said J. Vivian Gatling died, seised and possessed. A copy of the deed conveying the said land to the said J. Vivian Gatling, deceased, is herewith filed, marked exhibit "B" and prayed to be taken as a part of this bill.

That the said real estate was derived by the said infants by descent from the said J. Vivian Gatling, he having died, intestate, during the month of July, 1911; that the said infants do not own any personal estate, and that the land aforementioned is the only real estate which they own.

In the event of death of said infants the said John J. Gatling would be their heirs and distributees. Willie R. Gatling

Your complainant states that the annual income from the said land is not sufficient for the proper maintenance and education of the said infants; and that it is absolutely necessay that the said real estate should be sold in order that the said infants may be properly maintained and educated.

Your complainant states that the said Mrs. Willie R. Gatling, who is entitled to a dower interest in the said real estate, is willing to accept her commuted dower out of the proceeds of the sale of said real estate if sale should be made.

Your complainant believes that the rights of no person will be violated by a sale of said real estate, but, on the other hand, it is her frim belief that the interests of said infants would be greatly promoted thereby.

In tender consideration of the premises, and for as much as your complainant is remediless therein, save in a court of equity, wherein such matters are cognizable and relievable, your complainant therefore prays that the said Mrs. Willie R. Gatling, in her own right, and the said Azzie Queldah Gatling and Mary Emily Gatling, infants under the age of twenty-one, and John J. Gatling may be made parties defendant to this bill, and required to answer the same; the infants by their

guardian ad litem to be assigned them, except that Azzie Queldah Gatling, who is over the age of fourteen may be required also to answer in person and under oath, and the adults in proper person, though not under oath, which is hereby waived; that a guardian ad litem may be assigned the said infants to defend their interests in this suit, and who may also be required to answer the said bill under oath; that the said land may be decreed to be sold, and out of the proceeds the said Mrs. Willie R. Gatling, widow of the said J. Vivian Gatling, deceased, be paid her commuted dower interest, and the residue to be applied to the proper maintenance and education of the said infants as the court may direct; that all proper orders and decrees may be made and accounts and inquiries directed and taken; that all such other, further, general and special relief may be granted your complainant as the nature of her case may require or to equity shall seem meet.

And your complainant will every pray &c.

Mrs. Willie R. Gatling Guardian

E. H. Williams p.q.

MRS. WILLIE R. GATLING, GDN.

VS.) B I L L:

MRS. WILLIE R. GATLING ET ALS.

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

1911 Oct. 16 Filed
M. M. Watkins D.C.

Mrs. Willie R. Gatling, Gdn.

Vs of Chancery.

Mrs. Willie R. Gatling et als.

1911		
Oct.	9.	Process issued returnable to Second Acts Rules. 1911. Service accepted by all defendants -
Oct.	9	John P. Lee appointed Guardian ad litem to Azzie Zuleah Gatling & Mary Emily Gatling the infant defendants -
Oct.	16	Bill filed - Decree Nisi.
Nov	6	Decree Nisi confirmed and cause set for hearing -

Notes.

E. H. Williams, Esq

Mrs. Nellie R. Gatling Guardian
vs. In Chancery
Miss Nellie R. Gatling, et al
Bill

E. F.

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