

1860-007 SOUTHAMPTON COUNTY
CHANCERY PAPERS

EDWARDS v. al, by. c. VS.

EDWARDS v. Edwards 11/1860

other SURNAMES: BarREtt,
CROSS

~~40.~~ ~~36~~ 32.

Edwards

v. } Papers.

Edwards

1860 Nov

Edwards

7 } Stat. Rules

Edwards

In Southampton Circuit Court.

Imms Edwards & Octavins F. Edwards

Peffs

against

Jesse A. Edwards & Sarah A. Edwards widow of Robert G. Edwards

Defts.

1859 Jan 19: Summons issued retble. to Feby. Rules.

" Feby. R. Same ret? Ex? Bill filed L.R. Edwards assigned gen. and lib. to infant
Deft. Jesse A. Edwards. Ans. of Infant. to Rep. Deere Wm. & J. A. Edwards.

" Mar. R. Bill taken for confessed as to J. A. Edwards.

" Apr. " Cause set for hearing &c.

" May T. Deere for division &c.

" Sep 14 Report.

" Nov T. Deere

1860 May 3 Report.

" " T. Deere as filed &c.

" Sep. 18. Rep.

" Nov. T. Deere.

1869 May

Coll.

7 97

Stiff

1.00

Com.

Same

3150

40.47

Kilby & Cobb p. q.

Junius Edwards & p. p.

"

}

Pill

Sept. a. Edwards, Infant,
p.

1859 February Rules

Cir. c! South

To the Hon: Richard W. Baker, Judge of the
Circuit Court of Southampton County -

Complaining shew unto the Court your
Complainants, Junius Edwards and Octavius F.
Edwards, infants suing by Allen Edwards their
next friend - Your Complainants represent
to the Court and say - That their father Robert
G. Edwards, late of said County, died on the
day of 1854, intestate leaving as his
heirs at Law, his widow Sarah A. Edwards, and three
Infant children, to wit: Your Complainants and Sepe
A. Edwards, also an infant - That Allen
Edwards esq. qualified as administrator of said
deceased has administered ^{the personal estate of said deceased} or is prepared finally
to do so. ~~That~~ - That the deceased died possessed
of the following parcels of real estate, which now
belong to his heirs as above stated, to wit: a Lot of
one acre in the village of Franklin, in said County
purchased of Richard Barrett, & fronting on the
Seaboard & Roanoke rail road, on which is a store house
(and is a desirable stand for merchandizing, & on
which is an ordinary store house: also he died possessed
of a parcel of Land of five acres more or less, on
which is a good dwelling and outhouses, in which
he resided at his death & which Land was purchased
of Col. Hardy Croft, and is situated on the main road,
about half a mile from Franklin -

Your Complainants state that they have
a small income from hires inadequate to support
them with the rent of said Store - That they pray
that Dower may be assigned to Sarah A. Edwards
widow as aforesaid in said real estate, in the
whole of the said real estate, out of the said five
acre Lot, and that the Store Lot and house,
in Franklin may be sold - Your Complainants

best friends recommend this course, as they have
good reason to believe that the same will sell
well - Your Complainants however pray that a
partition maybe made of the same if it can
be, and should be deemed best for the interests
of all concerned, but if not, as your Complain-
ants charge in the case, that then a sale may
be made as aforesaid - In consideration
whereof (and for as much as this Court ~~is~~
has jurisdiction, To the End your Complainants
pray, that Jesse A. Edwards, aforesaid, an infant
under twenty one years of age, ^{and Sarah A. Edwards widow of Robert A. Edwards} be made defendants
hereto, and be required to answer this Bill,
(and that some proper person may be appointed to
defend the infant Defendant - that Dower may
be assigned to Sarah A. Edwards, as aforesaid &
that partition or sale of the said Store Lot & Premises
may be made as may be deemed best and that
all proper relief may be granted &.

Kilby Hobbs p. v

Edward &

17

Edward

Ans. of Infant
debt. by
guard. ad litem

1859 February Rules

The answer of Jeph. A. Edwards an infant
by L. R. Edwards his guardian ad litem, to a
Bill in Chancery filed in the Circuit Court
of Southampton County, against him by
Junius Edwards &c

This Respondent saving &c
says that being an infant under twenty
one year of age (and) ignorant of his rights in
the premises, he submits the same to the Court &
prays that no order or decree may be made
in the case inconsistent with his rights &c

Signed

L. R. Edwards for ad litem L. R.

X
Edward H

n

Edward H

1859
Maybourn ct.
To be entered
R. H. Baker

Edwards &c.

vs.

Edwards, Infant &c.

This cause came on this day to be heard ^{Taken for confessed as to the Deft. Sarah A. Edwards} on the Bill of the Complainants, and on the Answer of the Infant Defendant by L. R. Edwards his guardian ad litem, with replication thereto and was argued by counsel: on Consideration whereof the Court doth order that James Dillard, a. w. Nufleet, ^{Wm. A. Maffenburg} ~~Doct. Green~~ and Saml. Putlow, who are hereby appointed Commissioners for that purpose, any three of whom may act, having been first duly sworn, do proceed to assign to Sarah A. Edwards, widow of Ro. G. Edwards, ~~the said~~ ~~the~~ ~~land~~ ~~of~~ ~~her~~ ~~said~~ ~~husband~~, being one third thereof ^{for life} in value, as her dower in the Land whereof her said husband died possessed - to wit: a lot of Land in the village of Franklin, in the County of Southampton, purchased of Richard Barrett, fronting on the Seaboard & Roanoke Railroad, & on which is a store house; and also a parcel of land of five acres more or less, on which is a good dwelling and outhouses & on which the said Ro. G. Edwards ~~did~~ resided at his death & which land was purchased of Col. Hardy & is situated on the main road about half a mile from Franklin -; and then divide the Balance of said Land into three equal parts in value and assign one of each parts to James Edwards, Octavius J. Edwards & Sept. A. Edwards - But if the said Commissioners should find it impracticable to divide the said land among the aforesaid parties

or should be of opinion that the interest of the
said parties would be more promoted
by a sale of the same or any part thereof,
in such case they are required to report
the facts upon which their opinion is
based to the Court, and also what in
their opinion is the fee simple value
of the whole real estate of which the said
Re. G. Edwards died seized and possessed;
and in either case they are required
to report their proceedings under this order
to Court.

Edwards

3 Copy of Series

Edwards

Sauhampton Circuit Court, May 5th 1857.
Jimmie Edwards, and Octavius V. Edwards infants being by Allen
Edwards their next friend -

against
Jesse A. Edwards & Sarah A. Edwards widow of Robert G.
Edwards - dec'd. Defts.

This cause came on this day to be heard on the bill of the complainants
taken for confessed as to the Defendant Sarah A. Edwards and
on the answer of the infant Defendant by L. R. Edwards his guard-
ian ad litem with replication thereto and was argued by Counsel.
On consideration whereof the Court doth adjudge, order and decree
that James Dillard, S. W. Nugent, Wm. S. Maysberry and Samuel
Proctor who are hereby appointed Commissioners for that purpose,
any three of whom may act having been duly sworn do proceed
to assign to Sarah A. Edwards widow of Robert G. Edwards
one third thereof in value for life, as her dower in the lands
whereof her husband died seized and possessed, to wit: a lot
of land in the Village of Franklin in the County of Southampton
purchased of Richard Bennett and fronting on the Seaboard and
Roanoke Rail Road and in which is a store house, and also a
parcel of land of five acres more or less on which is a good
dwelling and out houses and in which the said Robert G. Edwards
resided at the time of his death, and which land was purchased
of Colo. Hardy Cropp and is situated on the main road about
half a mile from Franklin and then divide the balance of said
lands into three equal parts in value and assign one of each
parts to Jimmie Edwards Octavius V. Edwards and Jesse A. Ed-
wards. But if the Commissioners should find it impracticable
to divide the said land among the aforesaid parties or should be of
opinion that the interest of the said parties would be more promoted
by a sale of the same or any part thereof, in such case they are re-
quired to report the facts upon which their opinion is based
to the Court, and also what in their opinion is the fee simple
value of the whole real estate, of which the said Robert G.
Edwards died seized and possessed, in either case they are required

to report their proceedings under this order to Court
Teste,

Henry W. Howard, D.C.

Edward, Jr.

M

Edward, Jr.

1859

Nov. Court

Decree

To be entered.

Rich. H. Baker

1859 November Term

beant payable to the Comth: in the penatty
of £2000, conditioned to discharge the duties
required of them under this decree, ~~or else under~~
or under any other decree made in this cause
and liberty is resumed to the plaintiffs to ask
for such further relief as may be proper

Edwards

or 3 Copy Stone

Edwards

Southampton Circuit Court, November 9th, 1859.
Junius Edwards and Octavius F. Edwards infants suing by Allen
Edwards, their next friend. }
Plffs.

against
Jesse F. Edwards & Sarah F. Edwards widow of
Robert F. Edwards }
Defts.

This cause came on this day to be again heard on the papers
formerly read (and in there part of Wm. S. Masfentun, James Dillard
and A. W. Ruffled made pursuant to the decree of 5th May 1859,
to which there is no exception (and was argued by Counsel; On consid-
eration whereof the Court doth confirm the said report (and doth adjudge
and decree that W. W. Cobb and Geo. Kilby who are appointed
commissioners for that purpose, proceed to sell at Franklin in the
County of Southampton after having given at least twenty days notice
of the time, place and terms of sale by advertisement, at the Court house
door of said County (and at Franklin (and in the Christian and a
Newspaper published at Suffolk, once a week for three weeks, the
lot of land at Franklin in said County purchased by R. F. Edwards
of Richard Bunker and granting out the Seaboard & Roanoke Rail Road
(and in which is a Store house and a credit of six months with interest
from the date thereof, taking bond (and good security for the purchase
money (and withhold the sale till the further order of Court (and
make report to Court (and return the said bond to Court. And the Court
doth adjudge, and decree that a Commissioner of this Court ascertain
whether the said Sarah F. Edwards is willing to receive in cash some
of money in lieu of her dower therein, and if so, how much that sum
shall be (and report to Court.

But this Decree is suspended until the said Cobb & Kilby shall execute a bond in
the Clerk's Office before the Clerk of this Court payable to the Common-
wealth in the penalty of \$2000 conditioned to discharge the duties
required of them under this decree or under any other decree made in this
cause, and liberty is reserved to the plaintiff to ask for such further relief
as may be proper.

Teste Mary S. Howard, D.C.

Edwards by J.

is } copy done

Edwards

Southampton Circuit Court, May Term, 1860
Junius Edwards and Octavius V. Edwards infants being by
Allen Edwards their next friend Defts

against
Jesse A. Edwards and Sarah A. Edwards
widow of Robert G. Edwards. dec. Defts

This cause came on this day to be again heard on the papers
formally read and on the report of Commr. Cobb & Kilby
made pursuant to the decree of the 7th Nov 1859
to which report there is no exception and was argued
by Counsel, On consideration whereof the Court doth
confirm the said report and doth adjudge, order and decree
that the said Cobb & Kilby receive of the Clerk of
this Court & that the said Clerk deliver to them the
Bond filed with the said report of Allen Edwards
& Jas W. Muffer for \$1000. and proceed to
collect the same and out of the proceeds of said Bond
pay to said Cobb & Kilby the sum of \$34.75 expenses
of sale and then pay the costs of suit including the lawful
Attorneys fee for the plaintiff and also of the defendants
And then pay to Sarah A. Edwards the sum of \$300.
with interest from 22nd Dec 1859, in fee in lieu of
her Dowry in the premises sold under the proceedings
in this cause. and then pay and distribute the balance
in equal portions to the legal guardians of Junius Ed-
wards, Octavius V. Edwards and Jesse A. Edwards
and make a deed to Allen Edwards the purchaser of
the real estate sold as aforesaid with Special
warranty, in the usual form and make report to Court.

e H Copy

Henry S. Howard, D.C.

Edwards &c.

M.

Edwards &c.

1860

Maybourn. Decree

To be entered.

R. H. Baker

Edward sal.

27

Edward &c.

This cause came on this day to be again heard on the papers formerly, read and on the Report of Comrs. Cobb & Kilby made pursuant. to the decree of the 9th Nov. 1859, to which report there is no exception and was argued by counsel. on Consideration whereof the Court doth confirm the said Report and doth do judge order and decree That the said Cobb & Kilby receive of the clerk of this Court & that the said clerk deliver to them, the Bond filed with said report, of Allen Edwards & Jas. W. Mumbee for \$1000. and proceed to collect the same, and out of the proceeds of said Bond pay to said Cobb & Kilby the sum of \$34.75 expenses of sale, and then pay the costs of suit including ^{the law fee} ~~an~~ attorney, fee for the plt. and also of the Defendants. - and then pay to Sarah ~~Edwards~~ ^{Edwards} the sum of \$300. ^{with interest from 22^d Dec. 1859.} in fee, in ^{lieu} of her Dower in the premises, ~~the same being the same as the sum for statement (p) filed herewith~~ sold under the proceedings in this cause; and then pay (and distribute) the Balance in equal portions to ^{the legal guardian of} James Edwards, Octavius J. Edwards, and Lefe A. Edwards - (and make a deed to Allen Edwards the purchaser of the real estate sold as aforesaid, with special warranty in the usual form, and make report to Court.

Edward J.

17

Edward J.

Nov 1860
Prob. Court
final decree
To be entered
H. H. B.

Edward, &c.

or.

Edward,

This cause came on this day to be again heard on the papers formerly read and on the report of W. W. Cobb & John R. Kilby, Comrs. made pursuant to the decree of the May Term 1860 to which report ^{there is} no exception, and was argued by counsel; On consideration whereof the Court doth confirm the said report and doth adjudge order & decree that the proceedings had in the cause be confirmed & that the same be made final and binding between the parties.

Edwards

v } Sum. chg.

Edwards

1859 February Rules

Executed Feb'y
2^d 1839 by delivering
them a copy

G. W. Vick Depty
for Wm W Briggs shff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Jesse A Edwards an infant. & Sarah A. Edwards widow of Ro. G. Edwards de.^d*

to appear at the Clerk's office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *February next* - , to answer a bill in chancery exhibited against *them* in our said Court by

Junius Edwards & Octavius F. Edwards infants suing by Allen Edwards their next friend

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *19th* day of *January* 1859, in the *83^d* year of the Commonwealth.

L.R. Edwards

Edwards

vs { Mrs. Report

Edwards

1859

Sept. 14th

We the Commissioners, appointed by
the Circuit Superior Court of Southampton
county, to divide the real estate of
Robert J. Edwards decd, having viewed the
premises, do make the following report.
That in consequence of the situation of
the property it is impracticable to make
a division, either for the widow or children.
The property situated at Franklin Depot
consists of one acre of ground, on which
there is a store house and ware house
and which we suppose to be worth
\$1250. This could not be portioned off without
seriously impairing the value of the
whole lot. The property on which the
widow now resides, consists of a good
dwelling house and some out houses,
with five acres of land in all. We
suppose this property also to be
worth \$1250. But it is impracticable
to divide this. To give the widow the
Buildings and Garden alone, would
be to give her more than her portion.

we would therefore advise the sale of the
whole real estate and think that the
interest of all the parties would be
thoroughly promoted. We have consulted
with the widow and she has consented
to the sale of the property and refuses
taking in presumptive right out of
the amount accruing from the
sale of the property.

Commissioners.

1855 Aug 25th

{ W. M. Spaulding.
James Dillard
et al, Not Public }

Edwards

v

Edwards

The undersigned appointed Commissioners to make sale of the lot of land at Franklin purchased by R. G. Edwards of Richard Barrett and fronting the Seaboard & Roanoke Rail Road and on which there is a stone house, by a decree of the Circuit Court of Southampton rendered at Dover term last in the suit of Edwards v Edwards, report that after having advertised the time and place of sale as required by the said decree, they exposed the said lot at Franklin at Public Auction on Tuesday the 22nd day of December 1859, and that Allen Edwards became the purchaser at the sum of one thousand dollars. That they took his bond for the said sum payable six months after date & bearing interest from date, ^{with approved security} which is herewith returned, and that they retained the title to the said lot until the purchase money is paid.

Decr 20th 1859.

Respectfully Submitted
Wm. W. Cobb
John R. Kelly } Coms

Chapman	Coms	1
Coms	—	\$29.00
paid for advt.	—	2.25
"	Cr.	1.00
		\$32.25
In Recd		2.50
		\$34.75

Edward

Edward

Common Pleas Reports

1860 May 3^d

1860 May 21. Recd of L. R. Edwards Clerk
to the Bond of Allen Edwards & of \$1000. filed
herein, now delivered by decree of May
Court 1860

39

John R. Kilby
Wm. W. Cobb

Printed 25
at 315
New
York

clh 8.97
 sh 1.00
 alu 31.50
 \$41.47

Minutes

Edward J.

m { Com. Report
 of
 3 payments.
 Edward

1860 / September 18:

Southampton

To the Circuit Court of ~~Ranover~~ County.

The Undersigned respectfully report to Court that, pursuant to the annexed decree of said Court, rendered at May Term 1860 in the cause of Junius Edwards & against Sepe A. Edwards, they received of the Clerk of said Court the Bond of Allen Edwards, &c. for \$1000, as directed, and have proceeded to collect and distribute the same as directed by the said Decree, and as the following Statement will shew -

By ans. of Allen Edwards Bond \$1000.00

" Interest from the 22^d Dec. 1859 to the 18th of June 1860. 29.34

\$1029.34

To paid both Kilby, Comrs. ans.

due them per decree \$34.75

" paid costs of suit to wit.

To ~~L. R. Edwards, Clerk~~

✓ " Atto. fees 31.50 10

" L. R. Edwards 8.97 10

" W. W. Briggs - 1.00 R \$41.47

\$76.22

To paid Sarah A. Edwards \$500.00

+ Int. from 22^d Dec 1859 } 8.80 \$308.80 \$385.02

Leaving

644.32

To paid Allen Edwards, guardian of said Junius Edwards 1/3 per decree \$214.77

" paid Allen Edwards, guardian of Octavius F. Edwards 1/3 \$214.77

" paid Allen Edwards, guardian of Sepe A. Edwards 1/3 \$214.78 \$644.32

The Receipts of the parties

are filed ~~herewith~~, and we have made
a Deed to Allen Edwards the purchaser
of the real estate sold, as directed by
said decree -

Respectfully submitted

Wm. L. Cobb } Comrs.
John R. Kilby }

1860 June 18th Rec^d of Wm. Cobb & Kilby
Comrs. one fee in the above case

1860 June 18 Rec^d. of Wm. Cobb & Kilby
Comrs. Three hundred and eight dollars,
and eighty cents, and due me as
above.

Sarah A. Edwards

1860 June 18th Rec^d. of Wm. Cobb & Kilby
the sum of six hundred and forty four $\frac{3}{4}$ 100 dollars.
for each of my ward juvenes; Octavius F. &
Jeph A. Edwards as above

#644:32.

Allen Edwards

Edwards

or { Corn. land

Edwards

Know all Men by these Presents, That We *W. W. Cobb John R. Kilby*
John Cobb & Wm. H. Nicholson

are held firmly bound unto the Commonwealth of Virginia, in the just and full sum of
Five thousand Dollars, current money of Virginia, to the payment
whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and
severally, firmly by these presents. Sealed with our seals, and dated this *21st* day of
November A. D., 18 *59*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

*W. W. Cobb & John R. Kilby commissioners appointed by a decree of the Circuit Court
of Southampton County pronounced on the 9th day of November 1859 in a suit in
Chancery therein pending between Junius Edwards & Octavius F. Edwards infants v.
Jesse & Deje H. Edwards & Sarah F. Edwards Defts. for certain purposes therein
expressed shall faithfully discharge their duties under the said decree or under
any other decree made in the said cause*

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

Signed, Sealed and delivered
in the presence of the Court.

in presence of

JR Edwards & Co

W. W. Cobb { SEAL }

John R. Kilby { SEAL }

John Cobb { SEAL }

Wm. H. Nicholson { SEAL }