

1071 - 03

Southampton County Chancery

Travis, George H. vs Rollings, John H.

Partition of land

Travis, Ann E.
(Rollings)

54. ~~56~~ ~~40~~ 57 58 32

Travis & wife

in } Papers.

Rollings

2.

1871 November

Travis & wife

Bill.

Rollings

1866 April Rules

Travis & wife
in
Rollings } Bill

To the Hon. Richard H. Baker, Judge of the Civil
Court of Southampton County - In
Chancery setting -

Humbly complaining, sheweth
unto your Honor, Your Complai-
nants George H. Travis and Ann E.
his wife (formerly Rollings) that
some time in the year Ann
Rollings wife of Patrick H. Rollings, died
seized in her own right of a tract of land
lying in Southampton County, containing
about two hundred & forty acres, leaving
as her heirs, her two children, Ann
E. Travis (formerly Rollings) and John H.
Rollings, the said land has not yet been
divided between the parties interested, and
the said John H. Rollings being unwilling
to a partition of the same, your com-
plainants desire that he be compelled
to a partition, as they are unwilling
to a sale, and will only consent when
found by this Court, feeling that it would

is their interest that a partition should
be made, and not a sale as desired by
the said John H. Rollings. To the end
therefore that justice may be done,
and in as much as your Complain-
ants are without remedy save in a
Court of Equity, where such matters are
peculiarly cognizable & relievable, it is
prayed that John H. Rollings may
be made party defendant to this
Bill, and answer the allegations thereof
as fully as if he had ^{been} ~~been~~ more specially
interrogated, and that your Honor will
appoint Commissioners to make par-
tition of said land, allotting one share
to your Complainants, and the other to the
said John H. Rollings & grant each other
and general relief as Equity may dictate
or good conscience require, and as in
and about your Complainants
will ever pray &c

Richard P. G.

Francis L. Myle
Nollings

27 3

Nollings

Answer of John
H. Nollings -

1866 May Penn

To the Hon; Richd. H. Baker judge of the
Circuit Court of Southampton County.
May Term 1869.

The answer of John H. Hollings to a bill
of Complaint exhibited against him in this
Honorable Court by George H. Travis and
Ann E. his wife who before her intermarriage
with the said George H. Travis was Ann E.
Hollings.

This defendant having and answering to
himself all benefit of just exception to said
bill, answers and says, that it is true as stated
in said bill that he is jointly entitled
with the plaintiff Ann E. Travis to a tract
of land derived from their mother containing
about two hundred and forty acres, but he is
certainly satisfied that it would be but for the
interests of both parties that the said land
should be sold. He believes that if the whole
tract were sold it would command a good
price, whereas if it were divided it would render
one of the shares almost worthless and unsalable.
That there is a good orchard on it capable
of making from eight to ten barrels of brandy
annually and that there are only about forty
acres ^{of the said land} cleared and in a state of cultivation.

The rest of the land has grown up mostly in
old field pines. Your respondent states that the
said orchard would be an inducement to persons
to buy the whole tract, whereas if the orchard
were allotted to one, the remaining part would
sell for very little. Besides it would be
absolutely certain that the one who ^{the orchard} ~~would~~ ^{own}

would have to pay to the other party something
to make the division equal, and he is satisfied
that the plainiff is not in a condition to do this,
if the orchard should be allotted to her.

Gene respondent therefore desires that the land
should be sold, and the proceeds of said sale
divided amongst the parties entitled — and
having answered prayer to be hence dismissed
with costs &c —

John H. Nollings

Southampton County S-Crit:

This day John H. Nollings personally
appeared before me a justice of the peace for
the County aforesaid, and made oath that
the facts stated in the foregoing answer are
true to the best of his knowledge and belief.
Given under my hand this the 28th day
of April 1866 —

Shugars Cain J.P.

Travis Hulse

& } Report

Rollings

1867 Apr. 24

The undersigned Commissioners appointed at the May term of the Circuit Court of Southampton County 1866. — to divide the lands mentioned in the Complainant's bill. or if partition cannot be properly made to allot to one of the parties the entire tract or parcel of land; beg leave to make the following report, that upon examination they found the land could not be fairly or properly divided.. They therefore allotted to Geo. H Travis & Ann E. his wife the entire tract of land, they agreeing to pay to the said John H Rollings the sum of Three Hundred Dollars & he the said John H. Rollings fully agreeing to the said arrangement —
All of which is respectfully submitted,

Cost of Partition \$20.

S. B. Helle
W. D. Butler
M. J. Davis
Newit Branch

Travis Wolfe

v. } Copy Dierck

Rollings

Southampton Circuit Court 1866. May 2^d

George H. Travis & Ann E. his wife formerly Rollings
against
John H. Rollings

Plff
Def
In Chancery

This day this cause came on to be heard on the bill of Complainants & on the answer of John H. Rollings filed this day by leave of the Court general replication thereto, & was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree, that Sam^l B. Kello, Milton D. Butler, Merit J. Davis and Lewis Branch, who are appointed Commrs for the purpose, (any three of whom may act) after being first duly sworn, proceed to divide the land mentioned in Complainants bill in two equal shares, & allot one share to George H. Travis & Ann E. his wife, and the other share to John H. Rollings & make report thereof to this Court. But if partition cannot be conveniently made, then the Commrs may allot the entire subject to any party who will accept it and pay therefor to the other party such sum of money as his interest therein may entitle him to: And the Court doth further adjudge, order and decree that if partition aforesaid cannot be conveniently made, said Commrs will report whether the interest of the parties will be promoted by a sale of the entire subject or allotment of part and sale of the residue, as to all of which proceedings the said Commissioners will make report to this Court, with any matters specially stated deemed necessary by them, or required by either of the parties -

Attest

Teste

L R Edwards Clk

Travis & wife

vs

Nollings

This day this cause came on to be heard on the bill of complainant and on the answer of John H. Nollings filed this day leave of the court, general replication thereto, and was argued by counsel, on consideration whereof, the court doth adjudge, order and decree that Samuel B. Huls, Milton B. Butler, Meritt J. Davis and Stewart Branch, who are appointed Commissioners for the purpose, (any three of whom may act) after being first duly sworn, proceed to divide the land ^{mentioned} in complainant's bill in two equal shares, and allot one share to George Travis and Anna E. his wife, and the other share to John H. Nollings, and make report thereof to this court. But if in their opinion it should be found impracticable to do so at the last term (which is doubtful) the said parties, or if the dissent of the said parties should be more strongly & have than a division in land, they shall report the facts on which their opinion is based and any other matters specially stated ~~as may be required by them~~.

But if partition cannot be conveniently made then the Commissioners may sell the entire subject to any party who will accept it, and pay therefor to the other party such sum of money as his interest therein may entitle him to, and the court doth further adjudge, order and decree that if partition aforesaid cannot be conveniently made, said Commissioners will report.

whether the interests of the parties will be
promoted by a sale of the entire subject
or allotment of part and sale of ^{the} residue.
As to all of which proceedings the said
Commissioners will make report to ^{the} Court
with any matters specially stated deemed
necessary by them, or required by either of
the parties.

Travis & Co.

v. E. H. H. H.

Rollins

May 20. 1866

To be entered

R. H. Baker

Travis & wife
to: } Sum's Chy

Rollings
1866 April Rules

Executed Mar. 18th
1866 by delivering
a copy.

E. L. Story dep
for S. Keels Mff.



The Commonwealth of Virginia To the Sheriff of Southampton County
Greeting. We command you to summon John: H. Rollings

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 April next
to answer a bill in Chancery exhibited against him in our said Court by
George H. Travis & Ann E his wife formerly Rollings

And have them shew their writ. Witness Linton R Edwards Clerk of our said
Court at the Courthouse this 15th day of March 1866 in the 9th
year of the Commonwealth

L R Edwards Clk

Francis G. Wells

no. { Stat Rules

Rollings

In Southampton Circuit Court
George H Travis & Ann E his wife formerly Rollings
against
John H Rollings

1866 March 15th Summons issued

" Apr. R. Summons ret. Executed - Bill filed. D. Nisi to Dft.

" Last Monday m. Bill taken for confessed & cause set for hearing

1866 May 8th Decree d^o

1867 Apr. 24 - Rept.

1871 Nov Dismissed