

1885-16

Southampton County Chancery ~ Holland, Joseph G. et al vs Harcum, James E. et al

Division of real estate

Holland, J. C.
Morgan, Junius

Harcum, Mary Sue
Clark, James
" , Emily
" , Charles G.
" , Eliz. A.
" , Lavinia
Minors { Morgan, John R.
" , Wm.
Prince, J. B.
G. A. L.

Holland & Co. 123

or { Stat. Rules:

Harcum & Co.

In Southampton Circuit Court.

Joseph G. Holland, J. C. Holland and
Junius Morgan

Pltffs.

against-

James E. Harcum & Mary Ella his wife

James Black & Emily V. his wife Charles

C. Black and Eliz. A. his wife, & Lavinia,

Liv. R. and Wm. D. Morgan, last three

Moors..

Defts

In
Chancery.

1884. Sept 4. Summons issd to Oct: Rules..

" Oct: Rules.. " ret'd 24th on a duet defts. Bill filed.

L.B. Prince assigned Gov ad litem to infant defts.
Answer of infants filed - Genl Replication..

Decree nisi vs adult defts.

" Nov: Rules.. Cause set for hearing..

Holland ¹⁴⁶ wife

vs. 3 Decree

Harcum wife vs. her

Nov: Term 1884.

To be entered.

Holland & others

vs J Deere

Marcum wife others

This day this cause came in to be heard on the complainants bill taken for confessed as to the adult defendants and the answer of the infant defendants by J.B. Prince their guardian ad litem, and was argued by Counsel. On Consideration whereof, the Court doth adjudge, order and decree that one of the Commissioners of this Court be and he is hereby appointed to enquire whether partion of the real estate in the bill mentioned can be conveniently made, and, if in his opinion, it cannot be, whether the entire subject can be allotted to any party who will accept it, and pay therefor to the other parties such sums of money as their interests therein may entitle them to, or whether the interests of those who are entitled to the subject, or its proceeds, will be promoted by a sale of the subject, or allotment of part and sale of the residue, and report the facts upon which his opinion is based ^{to Court}, and also what is the fee-simple value of the said real estate, and report his proceedings under this order to Court.

Holland's tochers

us } summons

Haskell strike of

1884. October Rules

Executed by acting
suffices to parties
within 10 days -
at 5 morgan's location
to mincheadman
who lives in France -
Gina Louie -

Sept 20th 84

L. W. Oliver
for W. W. R. R. R.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON *James B. Hareem and Mary Ella*
his wife, James Clark and Emily Virginia his wife,
Charles C. Clark and Elizabeth A. his wife and Lavinia
Jno. R. and Wm. D. Morgan last three minors—

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 *October* next, to answer a bill in Chancery exhibited against *them*
in our said Court by *Jos: G. Holland, J. C. Holland and*
James Morgan—

And this *they* shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this *4* day of *September*, 188*4*,
in the *109th* year of the Commonwealth.

Teste. J. B. Prince C. C.

Holland wife
To ~~the~~ Deere
Harcum wife & others

1885 May Term
To be entered.

Geo Blow.

Entered 123

Dismissed

Holland wife Deere
vs
Harcourt wife others

On motion of the Complainants,
at the Costs of the Complainants, it is
ordered that this cause be removed
from the docket.

Lavinia. In R: and
Wm D. Morgan

Given in
Grassman's Church
New Holy Trinity
Church

With residence of
Southampton Co
Wm O. Lewis
for Mr Briggs

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

*Lavinia, Mrs. R. and Wm. D.
Morgan minors—*

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

October

next, to answer a bill in Chancery exhibited against *them & others*

in our said Court by

Joseph G. Hall and others

And this

they

shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this

4

day of

September

, 188*7*,

in the

109th

year of the Commonwealth.

Teste.

J. B. Prince C. C.

Holland & others
v. 1 $\frac{2}{3}$ Hill & c,

Harcourt & wife & others

1884 Octo: Rules.

Parsons, J. C.

To the Hon: Geo: Blaw, Judge of
the Circuit Court for Southampton County.
In Chancery.

Humbly complaining, sheweth unto your
Honor, your Complainants, Jos: G. Holland,
J. L. Holland and Junius Morgan,

That Bryant Holland was in his
lifetime seized and possessed of certain
real estate lying in the County of South-
ampton, containing by estimation $8\frac{1}{2}$
acres, be the same, however, ever so much
more or less, bounded on the North by the
land of G. W. Holland, on the East by
the land known as the "Ellis Harcum"
land, on the South by the lands of Sey-
more Vaughan and Baker Jeyner, and on
the West by the land of Warren Harcum,
near Sycamore, and being so seized and
possessed, the said Bryant Holland, some-
time in the year 1883, died intestate, leav-
ing Mary Ella Holland, who intermar-
ried with Jos: C. Harcum, Emily Virginia,
who intermarried with Jas. Clark,
Elizabeth Adilia, who intermarried with
Chas: C. Clark, Jos: G. Holland, J. L.
Holland, Junius Morgan, Lavinia, Do: R.
and Wm: L. Morgan, the last four the
children of Louisa Morgan, who inter-

married with Augustus Morgan, his heirs
and distributees at law. The said Lavinia,
Mrs: R. and W^m: D. Morgan are minors
under the age of twenty one years.

And your Complainants further state
that the said real estate is, as they be-
lieve, susceptible of partition among the
parties entitled thereto; but if it cannot
be so divided, then your Complainants,
desire that the same may be sold and
the proceeds divided among the adults
and the infant parties according to their
respective rights; the shares of the infants
to be held as directed by the statute in such
case made and provided. Should the prop-
erty not be divisible in kind, your Com-
plainants believe, and here state, that the
interests of those who are entitled the said
real estate, or its proceeds, will be promot-
ed by a sale of the whole of the same, or
by an allotment of part and sale of the
residue.

It was much, therefore, as your
Complainants are remediless in the prem-
ises save by the aid of a Court of equity;
they pray that the said Jas: C. Harcum
and Mary Ella, his wife, Jas: Clark and
Emily Virginia, his wife, Lehas C. Clark

Elizabeth Adilio, his wife, Lavinia, Dns:
R. and W^m D. Morgan may be made par-
ties defendants to this bill and required
on their oaths to answer the same, the
said adults in their own proper persons,
and the infants by guardians ad litem; that
a proper guardian ad litem be appointed
in this cause for said infants who shall
also answer this bill on oath; that the
said real estate be divided between the par-
ties entitled thereto, or else that it be sold
and the proceeds divided, in case it be
indivisible in kind; that all proper orders
and decrees may be made, accounts taken
and inquiries directed, and that
all such other, further, general and spe-
cial relief as in the premises may be
just and right may be granted.

And your Complainants will ever
pray &c.

May it please the Court &c.,
W^m H. Parker, f.c.

The joint and separate answers of
Lavinia, Dns: R. and W^m D. Morgan,
infants under the age of twenty one years

by J. B. Prince, their guardians ad litem,
assigned to defend them in this suit, to a
bill of Complaint exhibited against them
and others, in the Circuit Court for the
County of Southampton, by Jos: L. Hol-
land and others.

These respondents reserving to them-
selves the benefit of all just exceptions to
said bill, for answer thereto, or to so much
thereof as they are advised that it is mater-
ial they should answer, by their said guar-
dians ad litem, answer and say:—

That they are infants of tender years,
and by reason of their infancy, are in-
capable of understanding, or of taking
care of their rights and interests. They,
therefore, by their said guardians command
themselves and their rights and interests
to the protection of the Court, and pray
that no decree may be pronounced which
will tend to their prejudice.

And having fully answered, the said
respondents pray to be hence dismissed
with their reasonable costs in this behalf
expended, and they will ever pray, &c.

J. B. Prince Guardian
ad litem.