

1885-25

Southampton County Chancery - Prince, John E. & Nennie vs Fox - Thomas J, et al
(H's wife)

Settle estate according to
Will attached

Minors { Fox - Dolly A.
" , Frank T.
" , Eunice M.

Prince, J. P.
GAL

Primer et ux.
107. $\frac{1}{2}$ Bill & Co^s.
Fox et al.

1884 Oct. Rules.

W. J. Subell, p. 9.

To the Hon: Geo. Blod, Judge of Circuit Court
for Southampton County

In Chancery.

Humbly complaining shew unto your Honor your complainants Jno. E. Prince and Nannie E. Prince, his wife, that, in or about the year 1883, Caroline U. Briggs departed this life, leaving a last will and testament, whereby she bequeathed, devised and distributed her Estate among Nannie E. Prince, the wife of Jno. E. Prince, Dollie A. Fox, the wife of Thos. J. Fox, Frank Thos. Fox and Eunice M. Fox, as will more fully appear from a copy of said last will and testament herewith filed marked Exhibit "A" and prayed to be read as a part of this bill; that since the death of the said Caroline U. Briggs, three persons wholly disinterested, to-wit, G. N. Musgrave, Geo. W. Dumer and Thos. R. Pond, at the instance of the devisees under said last will and testament, supposing they had authority, met and divided the Estate of the said decedent according to the provisions and direction of her said last will & testament, as will more fully appear from report filed herewith

marked "B" as a further exhibit in this cause; that a doubt having arisen, however, as to the validity and legality of such procedure and your complainants being advised that it is proper and necessary to seek the intervention of a Court of Equity where matters of this sort are peculiarly cognizable, to the end, therefore, that Justice may be done, your complainants pray that Thos. J. Fox and Dollie A. Fox, his wife, Frank Thos. Fox and Eunice M. Fox, the last two infants of tender years, be made parties defendant to this bill and Compelled to answer its allegations; that some fit & proper person be assigned guardian ad litem to protect the interests of the infant defendants; that the said report of G. M. Musgrave, Sec. W. Turner and Thos. R. Pond be confirmed and declared valid and binding between the parties. But, if Your Honor should be of opinion that the said report should not be confirmed, then and in that event, your complainants pray that Commissioners be appointed to lay off and divide the Estate of said decedent according to the provisions of her said last will and testament. And that all such other further

relief may be given as in the premises is
just and right.

And your Complainants will ever pray &c.

W. J. Scrull, p. q.

The joint several answer of Frank Thos. Fox
& Eunice M. Fox, ^{the infant defendants} by B. F. McLenore, their Guardian
ad litem, to a bill in Chancery exhibited
by Drs. E. Price & Nannie E. Price, his wife,
in the Circuit Court of So.ampton, against
them and others.

These respondents, saving reserving
&c. for answer to said bill say that they
are infants, & being such know nothing
of the facts alleged in said bill. They
therefore submit their rights to the pro-
tection of this Court, & having answered
pray hence to be dismissed &c.

B. F. McLenore,
Gdn. ad litem.

I Caroline W. Briggs of Southampton Co State of Virginia, do make and ordain the following as my last Will and Testament. I desire that my estate should be divided equally into two parts one part I give to my mother Hollis A. Fox, and at her death to my half brother Frank Thomas Fox, and my half sister Eunice Fox. The other part I give to my sister Emma E. Prince. In the division of lands I desire that my interest in the same with enough land adjoining, to amount to one half of the whole in value, be assigned to the share in which my Mother will have an interest. The other half likewise, amounting to one half in value of the whole, I desire assigned to my sister Emma E. Prince. I hereby constitute and appoint my Brother in Law Geo E. Prince executor of this my last will and testament.

Given under my hand and seal
this 1st day of March 1883.
(over)

signed and acknowledged
in our presence, who at
the testators request, and
in his presence, and in
presence of each other have
hereto subscribed our names
as witnesses.

Thos. R. Popd.
Benja. J. Fox.

C. U. Driggs Seal

At a County Court held for the
County of Southampton at the
Court House thereof on the 18th
day of June 1883.

This last Will and Testament
of Caroline U. Driggs decd
was proved by the oath of Thos
R. Popd and Benja. J. Fox, the
subscribing witnesses thereto
and ordered to be recorded.
And on the motion of Geo. E.
Princed the Executors therein
named who made oath according
to law and together with J.B.
Princed his security (who justified
on oath as to their sufficiency)
entered into and acknowledged
a bond in the penalty of One
Thous and Dollars, conditions

as the law directs, which bond
is ordered to be recorded,
Certificate is granted the
said Jno E. Prince, for obtaining
a probate of the said Will in due
form

Teste James R. Tyler clerk
Attest Copy Teste J. B. Prince cc.

Prince & wife
" } Spain Chy

Hox VC

1884. Oct. Rules

Cir: Ct-

Executed by delivering
a copy of this summary
to J. J. Fox & Dollis A.
Fox. Sept 24th 1884.

P. Caron Dep
for W. W. Prigg
Schff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

*Mrs. J. Fox and Dollie A. Fox—
his wife—Frank Thorpe Fox and Eunice M. Fox—
the last two minors, by B. F. McLeung, Guardian
ad litem*

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

in our said Court by

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

*John E. Prince & Nannie E. Prince
his wife*

And this

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

WITNESS, J. B. PRINCE, Clerk of our said Court, this *12th* day of *September*, 188*8*

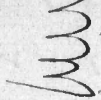
in the *109th* year of the Commonwealth.

Test. J. B. Prince C. C.

Prince & wife
or. $\frac{1}{2}$ Decree.
Fox & others

Nov. Term 1864.

To be entered—

Prince wife &
or. 
Fox & others.

This day this cause came on to be heard upon the Complainants' bill and exhibits therewith filed, taken for confessed as to the adult defendants, the answer of the infant defendants by B. F. McLe-more, their guardian ad litem, and report of G. N. Musgrave, Geo. W. Turner & Thos. R. Pond, reporting division of the property of which C. M. Briggs died seized & possessed, and was argued by counsel. On consideration whereof, and it appearing to the Court that the division of the said property as made & reported by the said G. N. Musgrave, Geo. W. Turner & Thos. R. Pond is in accordance with the last will and testament of said C. M. Briggs, The Court doth adjudge, order and decree that the action of the said G. N. Musgrave, Geo. W. Turner & Thos. R. Pond be confirmed, and the division of said property as by them made be binding and valid between the parties. And nothing further remaining to be done in this cause, it is ordered that the same be removed from the docket —

Prince & wife }
or. } Decree.

Fox & others

This cause came on this day to be heard upon the complainant's bill & exhibits, taken for confessed as to the adult defendants, the answer of the infant defendants by B. F. Moore, their guardian ad litem & was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that G. N. Musgrave, Geo. W. Dummer and Thos. R. Pond who are hereby appointed commissioners for the purpose, having been first duly sworn do proceed to lay off & divide the Real Estate of which C. M. Briggs died seized & possessed, consisting of a tract or parcel of land lying in Southampton County, containing about 850 acres, more or less, & adjoining the lands of W. M. Hart, Dacie A. Fox, Lavinia Francis, Thos. R. Pond, G. N. Musgrave & others - into two equal parts ^{having regard to quality & quantity} and assign ^{of} said parts to Nannie E. Prince, the wife of Jno. E. Prince & the other of said parts to Dacie A. Fox for & during her life & at her death to Frank Thos. Fox & Eunice M. Fox. But if said Commissioners should find it impracticable to divide said

land between the aforesaid parties
 or should be of opinion that the interests
 of said parties would be promoted by sale
 of the same, in such case they will
 report the facts upon which their
 opinion is based to the Court & also
 what in their opinion is the best
 simple value of the whole of said
 real Estate. And said Commissioners
 will make report to this Court.

Prince wife }
 or } decess.
 Fox v. Fox

Nov. Term 1884

To be entered

148
Prince & wife
vs. 3 Decree.
Fox & others

May term 1885-

To be entered.

Geo. Brown,

Ex. 1 B 3

Discussed

Prince & wife }
vs. } Deane.
Fox & others.

On motion of the plaintiffs, it
is ordered that this cause be
removed from the Docket.

¹⁵⁴
Prince Hope

vs Gt. St. Rules
~~~~~

Fox ge.  
~~~~~

