1887-17 Southampton County Chancery - Gardner, Wm. et als vs Gardner, Amos F. et al

Wants partition of land, if not divided, then sold & money divided

Gardner, Victoria
" , E.

Gardner, Wiley

Gordon. Wm. & Victoria E.

do } Bill for Partition

Gordon. A. H. & W. W.

To the Hon. C. W. Hill. Judge of the Circuit Court of Southampton County.

Your orators William Gordon & Victoria E. Gordon his wife. complaining showeth unto the Court. that in December 1870 Martha Gordon. the wife of Jos. Gordon. died seised & possessed of a certain tract of land lying in Southampton. about one mile from Vicksville. P. O. - bounded by the lands of Ely Davis. James Lattimore. Johnson Barnes. & George Whitfield. & left no will: that her lawful heirs were her four children. Amos F. Wiley. W. Lanier. & Victoria E. Gordon: that after her death her husband Joseph Gordon held the said tract of land. as tenant by curtesy: until his death in June 1885: that before the death of her father Joseph Gordon. Louisa Gordon died leaving no children & no will: so that after the death of Joseph Gordon the said tract of land belonged solely & exclusively to the three children

Amos. F. & Wiley. W. Gardner. & Victoria E. Gardner: that since the death of Joseph Gardner. the said tract of land has been exclusively in the possession of Amos. F. & Wiley. W. Gardner. & they have refused to account to Victoria. E. Gardner for her share of the yearly value or rental of said land: that the said Victoria E. Gardner, one of your complainants is entitled to one third of the said tract of land. & also to one third of a fair rent for said land since the death of her father Joseph Gardner. in June 1868. And your complainants further state that they do not believe the said tract of land is susceptible of partition. in kind among the parties entitled thereto: but if it can be so divided. your orators pray that the same may be done: but if it cannot be so divided then your orators pray that the same may be sold & the proceeds divided among those entitled thereto: and in either case that the said Amos. F. & Wiley. W. Gardner be made to account for & pay to your complainant. Victoria

E. Gardner her share of the rent since June 1883.

Forasmuch therefore as your orators are remediless in the premises save by the aid of a court of equity they pray that the said Amos F. Gardner & Willy W. Gardner may be made parties defendant to this bill & required to answer the same: that proper process issue: that the said real estate be divided between the parties entitled thereto. or else that it be sold & the proceeds divided in case it be indivisible in kind: that an account be taken of the amount due your complainant Victoria E. Gardner from Amos F. & Willy W. Gardner for rent, etc. & that they be required to pay the same to her: that all proper orders & decrees may be made & accounts taken & inquiries directed & that all such other further & general relief as in the premises may be just & right may be granted. and your complainants will ever pray, &c.

J. C. Parker, S. Q.

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Gardnership

M 3 Stab: Rule

Gardners

Gardner & wife }
ag }
Gardner. }

This day this cause came on to be heard upon the bill taken for confessed & was argued by counsel: on consideration, and it appearing to the Court that the matters involved in these proceedings have been adjusted between the parties hereto. the Court doth adjudge order & decree. that this cause be dismissed from the docket at the costs of the plaintiff. & that this dismissal operate as a bar to any further proceedings by the plaintiffs touching the matters involved in these proceedings

In Southampton Circuit Court.

Wm Gardner and Victoria E. Gardner his wife - Pltffs
against
Amos H. Gardner and Wiley H. Gardner. Defts

} In Equity.

1887.

March 30. Summons to Apl Rules.

Apl Rules. " Rets Rets. Bill files and decree nisi vs Defts.

May " Bill taken for confessed and Cause Set for hearing -.

Gardner vs Fo

7" Sum

Gardners

1887. April Rules

Cir: Ct.

Executed April 2nd 1887. by delivering a true copy of the within to the within named Amos F and Wiley W Gardner.

R A Barnum Dpty

For J L Barham Shff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Amos. F. Gardner and Wiley N. Gardner

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 them in our said Court by Wm Gardner and Victoria E. Gardner, his wife in her own right.

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

Witness, J. B. PRINCE, Clerk of our said Court, this 30" day of March 1887, in the 111" year of the Commonwealth.

Teste: J. B. Prince C. C.