1887-32 Southampton County Chancery - Snell, N. B. Vs Gardner, T. Agnes

Widow's dower, Then a division of estate

Snell, Mary E.

Gardner, James
(a minor)
by
Edwards, L. R.
GAL.

Sarah Wise
vs
Saulsman et al

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Snell wife
vs
Bill

Gardner &c.

1878 April Rules

Griffin p.q.

To the Hon George W Sloan Judge of the Circuit-
Court of Southampton County. In Chancery-

Your Complainants A B Snell and Mary
E Snell his wife respectfully represent and
shew unto your Honor as follows, That-
Arthur Gardner late of the County of South-
-ampton Virginia, departed this life some
-time about the year 1872 intestate, leaving
I Agnes Gardner his Widow, who is now living
, and the following named persons his Children
, and who are his heirs at Law, to Wit, Mary
E Gardner, who since intermarried with A
B Snell, and James Gardner, who is a minor.

That the said intestate died seized and
possessed of a certain tract of land
lying in the County of Southampton Virginia,
containing about fifty-Eight acres more
or less, and bounded by the lands belong-
-ing to the Estate of William Cobb, Warren
Edwards, and the lands of William
Edwards and others.

That since the death of the said intestate
no dower has been assigned to his Widow
I Agnes Gardner, And that your Com-
plainants, being remediless save in a
Court of Equity, as this is, where such Cases
are peculiarly Cognizable, pray that
your Honor appoint Suitable and

discreet persons as Commissioners, whose duty it shall be, first, to allot dower to the said Agnes Gardner out of all the lands of which her husband, Arthur Gardner, died seized and possessed, and then divide in kind among the heirs at law of the said intestate, the lands of which he died seized and possessed as they are severally entitled, if practicable, but if such division is not practicable and advantageous to the parties, but if not that fact to the Court with such recommendation in the premises as they may deem meet & proper, that the said last named parties, to wit, Agnes Gardner and James Gardner the said James Gardner being a minor by & R Edwards his guardian ad litem, may be made parties defendants by your Complainants bill, and required to answer specially the allegations therein contained, And that your honor will grant such further and general relief as the nature of the case may require or Equity may deem meet.

And as in duty bound your Complainant will ever pray &c

Griffin pro

Snell & wife
vs
Gardner & Gardner } Decree

May Term 1878
To be entered

Geo. Bond.

Snell & wife
vs
Gardner & Gardner

This day this cause came on to be heard on the Bill of the Complainants, taken for confessed as to the defendant- I, Agnes Gardner, on whom process has been duly served, the other failing to appear and plead, answer, and demur to the said Bill, And on the answer of James Gardner, infant- by L.R. Edwards his guardian ad litem, with general exhibitions thereto, and was argued by Counsel, On Consideration whereof the Court- doth adjudge order and decree, that George W. Lawrence, Wm E. Edwards James Denny and Ely Bryant- be and are hereby appointed Commissioners, any two of whom may act, to assign dower to I Agnes Gardner Widow of the late Arthur Gardner, out- of the Real Estate of which the said Arthur Gardner died seized and possessed, having due regard to quantity and quality; And the Court- doth further adjudge order and decree that the said George W. Lawrence, Wm Edwards James Denny, and Ely Bryant- are hereby appointed Commissioners to enquire into and report- whether partition can be conveniently made of the aforesaid tract of land of which the said Arthur Gardner died seized and possessed, - mentioned and described in Complainants Bill- And decreed in case subject to the widows dower
Among the heirs of the said Arthur Gardner, to wit- A. B. Snell and Mary E his wife and James Gardner, infant,- And if it- cannot be so divided, whether the interest of the parties concerned will be promoted by the sale of said land. And report the said facts & Court- together with any matter which by may be deemed pertinent

Snell wife

vs } Summ in Chy

Gardner

1878 April Rules.

Executed by delivering
J. Agnes Gardner a
Copy of the Summons
as on the 30th day
of March 1878
W W Briggs Shff

The Commonwealth of Virginia:

To the Sheriff of Southampton County---*Greeting:*

WE COMMAND YOU TO SUMMON I. Agnes Gardner and James Gardner, the last named being an infant.

if ..... *to be found within your bailiwick, 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 Circuit Court by R B Savell and Mary C Savell, his wife

and have then and there this writ.

Witness, **Littleton R. Edwards,** *Clerk of our said Court, at the Court House this* 23rd *day of* March *187*6*, in the* 102nd *year of the Commonwealth.*

L R Edwards C.C.

Snell & wife

vs

Gardner & Gardner

Answer of James
Gardner L R Edwards
his guardian ad
litem

The answer of James Gardner, infant, by Maj his guardian ad litem, assigned him by the Court to defend his interest in his suit to the foregoing Bill filed against him and I Amps Gardner in the Circuit Court of Southampton County by et B Snell & wife

The defendant saving and reserving to himself all benefit of just exceptions to said Bill answers and says that being an infant under 21 years of age, and being ignorant of the law he submits his interest to the Care and protection of the Court

And having answered prays to be hence dismissed &c

S R Edwards
Gdn ad litem &c

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Small duties.

To } Stat. Rules

Gardner

In Southampton Circuit Court

A. B. Snell & Mary E. Snell his wife

against

T. Agnes Gardner & James Gardner a minor by L. R. Edwards his Guardian ad litem

1878. March 23. Summons issued

" April R. Summons ret.d Executed on T. Agnes Gardner. Bill filed
L. R. Edwards assigned Grd ad litem to Dft. James Gardner. Dmse
v Dft T. Agnes Gardner

" May " Taken last Monday in April) Bill taken for confessed as to Defts.
T. Agnes Gardner & Cause set for hearing as to her.

" " 7. Decree to allot dower &c.