

1890-10

Southampton County Chancery - Gray, James W. vs Gray, Thomas H. et al

partition of an estate

Gray, Ann E.

" , Wm J.

" , Susanna N.

McLennan, B. F.

G. H. L.

132
Group
w. 3 Blue
Group to

Prinice Schere
p. 2

To the Hon Clerk Judge of the Circuit
Court of Southampton, In Chancery--
Complaining Howeth unto your Honor
your complainant James W. Hoy that
your complainants father Wm Hoy
was in his lifetime seized and possessed
of certain real Estate in the County of
Southampton, containing acres, and
bounded by the land of Robt S. Pope,
Wm Lamb, others, and being so seized
and possessed sometime in the year
18 deposed this life interest
leaving your complainant and
James W & Susanna Hoy his only
Children and heirs at law. the said
James & Susanna are infants under
the age of 21. Dower has been regularly
assigned to the widow of said Wm Hoy,
and she has intermarried with one
Thos H. Hoy. your complainant who is
21 years of age states that the said real
Estate is, as he believes susceptible
of partition among the parties entitled
thereto, but if it be not then your complain-
ant desires the same to be sold and
the proceeds of sale divided among
the parties according to their rights--
Shews the Property not be divisible in kind

* The Complainant here gives notice that application will be made to the Court for a decree accordingly -

Your Complainant believes and here states that the interests of those who are entitled to said land will be promoted by a sale of the whole of said real estate or by an allotment of part and sale of the residue. In tender consideration whereof, and inasmuch as your Complainant is without remedy except in a Court of Equity, where such matters are properly cognizable, he prays that James W. and Lurana Gray, both infants, Thos H. & Ann E. Gray be made parties defendant to this bill and Compelled to answer the same. That a proper guardian ad litem be assigned the infants to protect their interests - that the said real estate may be devised if practicable, but if not that the same including the reversion in the donor may be sold, and for such other further general & special relief as the Equity may seem meet or the nature of this case may require and as in duty bound, your Complainant will ever pray &c.

May it please the Court & -

Prisoners & Libers &c.

The joint and several answer
of James W. Thurman & ^{infants} to a
bill of complaint exhibited in the
Circuit Court of Southampton
against themselves and others by
Anna H. Roy.

These respondents, saving &
reserving &c. for answer to said
bill &c. They are infants and
being such submit their rights
to the protection of this Court,
and having answered pray
hence to be dismissed &c.

J. F. M. Leman
Pro ad litem -

Grogs wife
to $\frac{3}{4}$ seed
Mrs Susanna Everett

1889. July. 15 Rec'd AL

Exam'd

Recorded
L.R. # 40 p 607

✓
See Tax 12⁵ paid.

This deed made July 13. 1889 between
James W. Gray and Louie F. —
his wife of one part and Susanna
Everett, wife of J. B. Everett, who was
formerly Susanna Gray, of the other
part, witnesseth, that in considera-
tion of two hundred eight dollars,
in hand paid, the said Jas. W. Gray
and Louie F. — his wife
do grant & convey with general warranty
unto the said Susanna Everett,
as her separate estate, one undivided
moiety of his interest in all the land
of his father, Wm. Gray decd., except
what is now held by his mother Mrs.
Ann Gray as & for her dower. This
money is paid by J. B. Prince, ^{late} son of Susanna
Everett, by virtue of a decree of the Circuit
Court of Southampton, entered at the
Nov Term 1888, in a chancery suit
therein depending styled Gray vs. Gray.
Witness the following signatures & seals.

Jas. W. Gray 
Louie F. Gray 

Over

Virginia Southampton Co. Court.

I, J. E. Bailey, a Justice of the Peace
for the County aforesaid in the
State of Virginia, do certify that
Jas. Whaley & Louie F. Gray whose
names are signed to the writing
above dated July 13. 1889. have
acknowledged the same before
me in my County aforesaid.
Given under my hand July
13. 1889.

J. E. Bailey J. P.

Southampton County: In the Clerk's Office
July 15. 1889. The foregoing deed from Jas.
W. Gray & wife to C. C. Everett was this day
received and with the certificate annexed
admitted to record.

Teste. C. F. McLeone C.

Gro
in 3
Gross

Report of Com.
J. B. Pruden

Groz

vs

3

Report of J. B. Primmer

Gou
Cous

Groz

In this case your Court submits the following report. That he has not been able to carry out the decree of May Term 1888, because James W. Groz is not willing to execute the deed as therein directed. James W. Groz is willing to make the deed provided he is allowed to see his interest in his mother's door at some time, and provided he is allowed a fair price for it. This the Court failed to ^{estimate} in the former report, and I recommend that the matter be referred back for further report.

Nov 1. 1888.

Respectfully Submitted.

To Judge Cir: Ct. }
Brockampton }

J. B. Primmer
Gou
Cous

Groy
m 3 deuce
Groy

Nov Tenn
1888.

To be entered.
Chas
Nov 9. 1888

Grog
vs 3

Grog

Gorn &

This day this Cause came on to be again heard on the papers formerly read, the report of ~~James~~ J. B. Paine filed during the term to which there is no exception and was argued by Counsel. On consideration whereof the Court doth deem that the terms of the decree of May Term 1888 be suspended, until the further order of this Court; and it is further ordered that a Comr. of this Court enquire report to Court, what the interest of James W. Grog in the above land of his mother is worth.

Proq
in $\frac{1}{3}$ Decree
Proq to

May 2nd
1889.

To be entered.

Groz
or 3 decrees.

Groz

This dox this decree came on to be further heard on the paper formerly read and the special statement of Comr. McLeanne to his report filed Apr 23. 1888, and was agreed by Council. It appearing from said statement that the shares of the children of Wm J Groz died in his hands including the dower land of his widow are worth the sum of \$557. ⁰⁴, the Court doth decree that the order of Groz term be amended so as to require that J. B. Prince son of Wm J Groz, out of any funds in his hands pay to Jos. W. Groz the sum of \$278. ⁵², and a like sum out of any funds in his hands belonging to Hannah Groz, provided the said Jos. W. Groz since decedent and decedent to him a good and sufficient deed for his interest in the real estate of his late father Wm J Groz decd. And said Prince since report his proceedings to Court.

Gray
in 3
Gray

Report of J. B. Rainier
Son

1890. Jan 17

Grog or Grog. Report of J.B. Parice Esq.

In this case, I submit the following report. Mirama Grog now deceased, was unwilling to buy but one half of Jor W. Grog interest in the land outside of the house and I paid \$208.⁸⁹ for that interest to Jor W. Grog, and took a deed to her for same. Wm J. Grog, my wife was anxious to take the other half and all of Jor W. Grog interest in the house which was assessed by Com. McLennan to be worth \$348.¹⁵. I have paid Jor W. Grog this amount and taken a deed to Wm J. Grog for the same. This will give Wm J. Grog his own $\frac{1}{3}$ interest and one half of Jor W. Grog interest outside of the house and all of Jor W. Grog interest in the house. which is a very judicious expenditure, all of which I recommend for confirmation.

To Sup. Cir. Ct.

Jan'y 17. 1890

Respy Submitted.

J.B. Parice Esq.

to -

Statement of a/cts recd from sale of for. c.
 Grop lands and how it is paid.
 Debt due for F. Murphy, \$605.24

" " I. B. Price 377.21

due July 25. 1887. 982.45

Int to July 13. 1887. 115.90

\$1098.35

Thereto (Mrs. Susanna Smith)

208.89

\$889.46

Int to 18 Nov 1887.

18.52

\$907.98

Thereto (by net sale of Colo. land)

536.45

\$371.53

Acct to be paid from Wm. H. Roy. 208.89

" " " " 139.26

348.15

Bal due

\$23.38

by Wm. H. Roy =

State ment
of aunts need from
sale of John's
interest in his father's
land & his tract he
bought of Cobb.

Groz

on 3 December

Groz

This day this cause came on to be again heard on the papers formerly read, the report of Commr McLennan filed Apr 23. 1888. to which there is no exception, and the petition of J. B. Priner Son of Wm J. Susannah Groz - filed during the term, and was argued by Counsel. On consideration whereof, and it appears the Court doth confirm the said report. and it appearing from said report that Wm J. & Susannah Groz will take the entire Dutchish matter and pay a reasonable price therefor, in which position they are sustained by their Guardian, or appears from his petition filed this day. and the Court being of the opinion that it is to the best interests of the said Wm J. & Susannah Groz that they should be allowed to take the interest of Jas W. Groz, in the lands of which their father died seized. and it also appearing that the said interest is worth the sum of \$417. 28. It is adjudged ordered and decreed that J. B. Priner Son of Wm J. and Susannah Groz pay to Jas W. Groz the sum of \$208. 89. out of any funds in his belonging to Wm Groz, and a like

out of any funds in his hands belonging to
 Lurannah Gray, provided the said James
 W. Gray will execute and deliver to him
 a good and sufficient deed for his undivided
 and interest in the real estate of his
 late father Wm. Gray and. And the
 said Priner will report his proceedings
 to Court.

Gray
 117
 in 3 Decem
 Gray

May Term
 1888

To be returned.
 C. W. H. C.

Southampton Circuit Court: November Term 1888.

Gray

or } Decree

Gray's -

This cause came on this day to be heard, on the Complainant's bill, taken for confessed as to the adult defendants. the answer of the infants by B. F. McLeod, their Guardian ad litem, appointed at rules - with general replication thereto, and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that one of the Commissioners Enquire and report to Court, whether the land in the bill mentioned is susceptible of partition or not. and whether any party interested will take the whole of the subject matter, and pay to the others a fair sum for the same. Whether the said land can be divided by a sale of part and allotment of residue. which said reports, the said Commissioner will audit and return to Court, together with the evidence upon which he bases his conclusions - with any other matter specially stated deemed pertinent by himself or which he may be required to state by any interested party.

A Copy. Dated:

B. F. McLeod c.l.c.

Gray
to Notice

Gray

1888. April 23.

Executed

J. Williams
Sheriff

Commissioner's Office,

Jerusalem, Va., Apr 14 1888

To James W. Gray - Thos. H. Gray
and Ann E. his wife -

Wm. J. and S. H. Gray - parties to the
Chancery Cause of Gray vs Gray &c.

You are hereby notified that I have fixed upon the 28 day of April
next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office,
the following accounts, to wit:

1st Whether or not the tract of land in the bill
mentioned is susceptible of partition among the
parties entitled thereto. Or if any party will
take the whole of the subject matter and pay
a reasonable price therefor. and if the said
land can be conveniently divided by a sale
of part and allotment of residue -
with any other matters deemed pertinent. &c.

required to be taken by a decree of Southampton Circuit Court, rendered at the *Next*
term, 1887, in a suit in chancery depending in said Court, in which you are parties, plaintiffs and
defendants; at which time and place you are required to attend.

Given under my hand, as Commissioner in Chancery of said Court, the day and year first
aforesaid.

B. F. McLeure

Commissioner.

To the Sheriff of Southampton County to execute.

114
Gray
iv ⁱⁱⁱ Report

Gray + others

1888. Apr 23. filed.

D. F. M. C.

Commissioner's Office.
Jerusalem. April 23. 1888.

To the Hon. C. H. Hill, Judge of the Circuit
Court of Southampton County:

Pursuant to a decree of the Circuit
Court of Southampton County, rendered
at the November Term 1887, in the Chan-
cery Cause of Gray vs Gray & als., the
undersigned, one of the Commissioners
of said Court, reports, that on the 14th
day of April 1888, he issued Notices
against the parties, Plaintiff and
Defendants, requiring them to ap-
pear before him, at his Office in
Jerusalem. on the 23^d day of April 1888,
at which time and place he should
proceed to take and state the accounts
asked for in the decree aforesaid -
that said Notice has been returned,
Executed. that the parties appeared
in obedience to said Notice. and
thereupon he proceeded to examine
the parties, and settle the following
Accounts - viz:

1st - Whether or not the tract of land in
the bill and proceedings mentioned
is susceptible of partition among
the parties entitled thereto, or, if it

can be divided by sale of part and allotment of the residue; or, if any party interested, will take the entire subject matter, and pay a reasonable price therefor to the other parties:

After examining the parties interested, and upon such facts as the Commissioner has before him, he is of opinion that the land cannot be divided in kind without seriously injuring the value of the property.

Wm. J. and Susanna M. Gray, two of the ~~to the~~ parties to the suit, are willing to take the share of Jas. W. Gray, and pay him a reasonable price therefor, and request the Court to authorize.

Wm. J. B. Trine, their Guardian, to invest a part of their monied Estate in said share; And in as much as all the ~~the~~ parties to this cause, Plaintiffs and Defendants, desired that said minors may be permitted to buy their Brother's share, and said minors having sufficient money in the hands of their said Guardian to pay for same. and the Commissioner being fully satisfied that it will be a good investment, respectfully recommends the same.

Wm J. Gray, at the time of his death was
seized of certain real Estate, situated in this
County. containing 260 acres. valued at
\$1880.⁰⁰. one third of that amount will
have to be set apart as dower. leaving
\$1253.³⁴ for the three children J. H., W. J.
and S. R. Gray, this amount divided
into three parts, will make the shares
worth \$417.⁷⁸ each.

Respectfully Submitted
B. F. McLemore
Comr in Chancery

Commissioner's fee
\$5.⁰⁰ Chgd Plaintiff }

The Commissioner states specially, at the
request of J. B. Prineas, Guardian and J. H. Gray,
that at the death of Mrs Ann E. Gray, her
dower, estimated to be worth \$417.⁷⁸, will
descend to her three children, whose names ap-
pear in this report, which will make the
shares of said children worth \$557.⁰⁴ each.

Respectfully Submitted
B. F. McLemore
Comr in Chancery

prop
or 3/4
prop

1887. for 1/2
Circ: etc

To be entered.
C. M. H. C.

Grogg

21 3 Decem.

Grogg v.

This cause came on this day to be heard on the complainants bill taken for enforcement as to the admettance of the infants by B. F. McLeane their son as litera opposita at rule, with several applications there to, and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that one of the Commissioners enquire and report to Court whether the land in the bill mentioned is susceptible of partition or not, and whether any party interested will take the whole of the subject matter and pay to the others a fair sum for the same, whether the said land can be divided by a sale of part and allotment of the residue, which said reports the said Commissioner audit, and return to Court together with the evidence upon which he bases his conclusions, with any other matters specially stated, deemed pertinent by himself or which may be required to be so stated by any interested party.

Gray Wm

to 3 Sum

Gray & al.

1887 Oct. Rules

Cir. Ct.

Executed Sept 27th 1887
by delivering a copy
of this summons to each
of the within named
parties.

J. W. Williams Sheriff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *Thos. H. Gray and Ann*
E, his wife. W. J. Gray and Susanna Gray. the
last two infants. by B. F. McLemore *gdn 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 *October* next, to answer a bill in
chancery exhibited against *them* in our said Court by

James H. Gray

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

B. F. McLemore
Witness, ~~J. B. PRINCE~~, Clerk of our said Court, this *24* day of *September*

188*7*, in the *112* year of the Commonwealth.

Deste: B. F. McLemore C. C.

boy

or 3

prop

Petition of

L.B. Pinner

born to

Grover
or } Petition of I.B. Primmer
Grover } Son of Wm. J. & Susanna Grover.

In this cause your petitioner I.B. Primmer respectfully represents as follows. That he is the Guardian of Wm. J. & Susanna Grover, and he thinks it comes he loyal to their interests to accise me as their son to purchase for them the interest of their brother James W. Grover in the real estate of their late father Wm. Grover decd. If I can be accised to do this it will give them two parts a very nice farm, and one to which they are very much attached, it being the best home-land. I have sufficient funds in my hands belonging to them to pay for this share, and more than enough. I therefore petition that your Honor will accise me to expend the sum of \$208.89 for each of these parts in the purchase of this share.

Respectfully submitted.

May 7. 1888.

To Judge Cir. Ct. }
Southampton }

I.B. Primmer Son &

Gray

132

110 104

Gray

Stat: Rules

Gray

Jas. H. Gray
Att^r

Plffs

Thos. F. Gray & Ann E. his wife -

Wm. J. and Susanna H. Gray

the last two infants - by T. B. F. M. Lemond

Adm ad litem -

Defds

1887. Sept. 24. Sum: to Oct Rules

" Oct: Rules. Sum: ret's Executed. Bill filed -

answer of infants, by Gonad litem

filed - Decree nisi to admit Defds

" Nov " Bill taken for confessed as to
admit Defds and cause set
for hearing -

May
or $\frac{1}{3}$ Decree
May

1890 May Term

To be entered.

C. M. H.

Entered

Gray }
" } Deere.

Gray

This day this cause came on to be again heard on the papers formerly read, and the report of I. B. Primmer son of Wm. J. Gray filed July 17. 1890. to which there is no exception and was agreed by Counsel. On consideration whereof, the said report is confirmed. and nothing further appearing necessary to be done in this cause, it is ordered to be removed from the docket.