

1891 - 03

Southampton County - Chancery

Edwards, Jesse A vs Edwards, Cary G.

"Partition" of sold and
funds to be divided among
the adult & infants"

Edwards, Eva G
Edwards, Estelle
infant Edwards, Carrie M.
Edwards, Jesse A
Edwards, Robert O.

Edwards

or { Bill

Edwards, it also

To the Hon C. W. Hill, Judge of
the Circuit Court of Lantham
County Va.

Your complainant, Jesse A.
Edwards, complaining sheweth
unto the Court that on the
30th day of July 1890, he was
possessed of a one half fee simple
interest in a certain tract
of land in Franklin Va, contain-
ing ^{about} nine acres, adjoining the lands
of Richard B. Smith Est. & others,
together with R. O. Edwards, his
brother, who owned the other
one half interest. They having
divided said land as the heirs
at law of their ^{brother} ~~father~~ ^{Jessie A.} ~~Robert~~
Edwards. That on the said 30th
day of July 1890, the said
R. O. Edwards departed this life,
leaving surviving him, his
widow, Mary R. Edwards, & the
following children, all infants,
to wit, Eva G. Edwards, Estelle
C. Edwards, Corrie M. Edwards,
Jessie A. Edwards, & Robert O. Ed-
wards, all of whom reside in
the state of North Carolina.

Your complainant further states that the said land is, as he believes, susceptible of partition among the parties thereto: but if it be not, then your complainant desires the same to be sold & the proceeds divided among the adult & infant parties according to their respective rights.

In consideration whereof, & inasmuch as your complainant is remedyless in the premises, save in a court of equity, where matters of this kind are alone properly cognizable, your complainant prays that the said Cary R. Edwards, adult & Eva G., Estelle C., Corrie M., Jessie A., & Robert O., Edwards, infants, may be made parties defendant to this bill, & required to answer the same: that a proper guardian ad litem be appointed for said infants to defend their interests in ~~and~~ this suit, who shall also answer this bill: that proper process issue: that an

order of partition be made:
that the said real estate be divided
between the several parties in-
titled thereto, & your complain-
ant's portion be allotted to him;
and in case said real estate cannot
be partitioned & divided in kind,
that the same be exposed to sale
& the proceeds of such sale be di-
vided among the parties entitled
thereto; that if it be so desired by
him, that dower be assigned to
the said Mary R. Edwards in the
said half of said real estate which
belongs to R.O. Edwards' Est. That
all proper orders & decrees may
be made, & proper inquiries
directed, & that all such orders
further & general relief may be
afforded your complainant as the
nature of his case may require, or
to equity may seem meet, and
your complainant will ever pray,
In Test.

J. C. Parker, Esq.
J. H. Edwards

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

We, the undersigned, special
Commissioners appointed by said Court
at the Nov Term 1870. Thereaf. by
decree entered in the suit
of Edwards vs Edwards & als.,
a copy of which decree is here-
with filed, beg leave to report that
on the 25th day of November
1870. we met upon the said
land in the bill of proceedings
mentioned. for the purpose
of discharging our duties
under said decree

We are of opinion that it is
practical to divide said land in
kind among those entitled thereto.
to we have proceeded to so
divide it. We found it ex-
pedient in dividing it, to use
an old map of said land, for-
merly used by J. A. & R. A. Edwards
the joint owners. A number
of lots shown on it being in our
opinion a very good plan to lay
off said land. A number of

Said lots having been sold before
the death of R. D. Edwards, we have
divided the remainder, giving the
numbers laid down on said
map & the valuation fixed by
us. To J. A. Edwards, the owner
of one-half of said land, we
allot the following lots.

Numbers seven, eight, nine, & ten, each
fronting fifty feet on east side
of Edwards St. & running back be-
tween parallel lines. to a twelve foot
alley opening into South St. each
valued at One Hundred dollars. Number
fifteen, fronting $45\frac{1}{2}$ feet on Essex
St. 220 feet on South St. & 113 feet
on Pearl St. valued at \$200. Number
eighteen, fronting $65\frac{1}{2}$ feet on Pearl St.
& running back 96 feet to R. D. Brown
valued at \$60. Number nineteen,
twenty, & twenty-one, each fronting
fifty feet on west side of Essex St.
& running back between parallel lines
to Pearl St. each valued at \$100. Number
twenty-two, fronting $95\frac{1}{2}$ feet
on South St. & running back between
converging lines. to $49\frac{1}{2}$ feet on No 29,
valued at \$75. Number twenty-three.

thirty, & thirty-one, each fronting fifty
feet on west side of Pearl St., &
running back between front lot lines
to Hall St., each valued at \$75.⁰⁰

Numbers thirty-two, fronting 48 ft.
& 9 inches on west side of Pearl St., &
running back between front lot lines
to Hall St., valued at \$60.⁰⁰ Number
thirty-three valued at forty dollars
(\$40) forty-three valued at seventy five (\$75)
Dollars and no. forty (40) valued at forty (40)
Dollars aggregating in value \$1465.

We assign to Eva G. Edwards daughter
of R.O. & Cary Edwards the following lots
numbers & designated on city map as follows
Lot No 6 valued at \$185.

" 34 " " 50

" 35 " " 50 = \$285

aggregating in value two hundred and eighty
five dollars as above indicated.

We assign Estelle C. Edwards daughter
of R.O. Edwards & Cary Edwards the follow
ing lots numbers and designated on
city map as follows

Lot No 16 valued at \$175

Lot " 33 " " \$60

" " 36 " " \$50 = \$285

aggregating in value as above indicated two hun

and one eighty five dollars.

We have assigned to Carrie M. Edwards daughter of R. O. & Cary R. Edwards the following lots designated on said map as lots

No	12	Value at	\$120
	25	" "	\$95
	32	" "	70 = \$285

aggregating in value as above indicated two hundred & eighty five dollars

We have assigned unto James A. Edwards of R. O. & Cary R. Edwards the following lot designated on said map as lots

No	11	and value at	\$100
	44	" "	80
	23	" "	100 = \$285.00

aggregating in value as above written two hundred and eighty five dollars

We have assigned unto Robert Q. Edwards son of R. O. Edwards and Cary R. Edwards the following lots designated on said map as lots

No	24	and value at	\$95
	22	" "	95
	28	" "	95 = \$285

aggregating in value at two hundred and eighty five dollars. The sum of the value of all of the lots assigned to the said Eva G. Edwards, Estelle G. Edwards

Edwards 153

Report

Edwards Lab:

1890. Dec. 5. filed.

B. F. M. C.

Dec 5 1890

Jerrie A. Edwards and Robert O. Edwards
and Carrie M. Edwards infant children of the
said R. O. Edwards and Cary R. Edwards being
One thousand four hundred and twenty five dol.
lars and the sum of the value of the
lots assigned to the said Jerrie A. Edwards
being one thousand four hundred and
sixty five dollars or forty dollars in
excess of the value of them assigned to
said children we recommend that the pay
ments each of said children, to wit
Eva G. Edwards, Estelle C. Edwards Carrie
M. Edwards, Jerrie A. Edwards and
Robert O. Edwards the sum of eight (8)
dollars that sum being his and her pro.
portionate share of said sum in excess.

Respectfully submitted

M. M. Brownley.

L. R. Edwards

E. F. White

J. W. Aspley

} Comrs

Edwards.

or } Affidavit
Edwards. et al

Virginia. Southampton Co. to wit:

This day personally appeared before me in my county, J. A. Edwards, the Plaintiff in a suit in Chancery lately instituted in the Circuit Court of Southampton County, by him against Cory R. Edwards & others, & made affidavit that Cory R. Edwards, the adult-defendant, & all of the infant defendants to said suit, are nonresidents of this State.

Given under my hand this 6th day of September 1890.

J. C. Parker
Clerk in Chancery

The answer of ^{insert here} Eva G. Edwards
of children over faustum
to a bill in equity exhibited against
them & others in the Circuit Court
of Southampton County Va. by
J. A. Edwards.

For answer to the said bill, the
said infant defendants ~~answer~~ say
that being of tender years, that is
under the age of twenty-one
years, but over faustum, they
do not know what their true in-
terests are in relation to the
subject matter of said bill,
nor do they know whether the
statements therein contained
are true or not. They confide
the protection of their interests
to the care of the court.

And now having fully an-
swered, these defendants pray
to be hence dismissed with their
costs in this behalf expended,
and they will ever pray, in etc.

E. G. Edwards
sign here

State of North Carolina
County of Halifax. to wit:

This day personally appeared
before me, a Justice of the Peace for
said county Eva S. Edwards

and made oath that to
the best of their knowledge and be-
lief, the statements contained
in the above answers are true.

Given under my hand this 18th
day of October 1890

R. W. Brown, J. P.

Edwards
vs { Answers of
 { Infant Defendants
Edwards, et al

Franklin, Va, Jan 15th 1891

Mr. J. B. Parker

P. L. Edwards vs. Edwards et al

To SOUTHAMPTON: DEMOCRAT, Dr.,

W. H. Stroud, Publisher.

Sept 11 90
 20 3 1/2 inch order of pub-
 lication 4t 650

paid

W. H. Stroud

Jan 16/91

Edwards & Edwards Jr.
 Statement of Crd. to Jan 1/91

Blank \$5.52

Shff 0.00

Law & 16.50

Ord. Pub: 6.50

2 28.52
 35.00
 1.50
 15.00
 40.00
 65.10

2 28.52
 35.00
 63.52
 2.00
 2 65.52
 32.76
 40.00
 72.76

2 20.159
 28.1
 00.05
 5.00
 7.02

2 28.52
 35.00
 1.50
 65.10

Rec'd of J. C. Parker Special Comm. License & 5%
saloon taxed for day. & Thirty-five dollars.
attorney's fee in suit of Edwards as Edwards
et als.

Jan 16th 1891.

J. C. Parker atty

Edwards
vs } Refort
 } Lf's Cause
Edwards it also.

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

The undersigned, Special Commissioner,
appointed by said Court on the
22nd day of December 1890, by
decree in the suit of Edwards, as
Edwards it also, respectfully reports
that he has collected from J. A.
Edwards the Forty Dollars due
infant defendants in said suit,
as directed, & has also collected
Forty Dollars from J. A. Edwards as his
share of the costs of said suit, &
has paid out both amounts
as shown by the following statement
supported by vouchers, to wit:

Amount rec'd of J. A. Edwards for infants	40.00
" " " " " costs	40.00
To Sd. Atty. fee	✓ 35.00
" " taxed " & writ tax	✓ 16.50
" " clerks fee & future cost	✓ 7.00
" " surveyor	✓ 15.00
" " Subscribers of Ord. Pub.	✓ 6.50
	\$80.00 \$80.00

Respectfully submitted,

J. C. Perkins
Special Commissioner

Virginia:

In vacation; In the Clerk's Office
of the Circuit Court of Southampton
County - Sept. 5. 1890.

J. A. Edwards -

Plff

Against

Mary R. Edwards, Adm't.

Eva G. Edwards - Estello C. Edwards,

Carrie M. Edwards, Jesse A.

Edwards and Robt. Q. Edwards.

all infants, by J. B. Prince, their
Guardian ad litem -

Deft.

In Chancery

The object of this suit is to partition
the lands lately held jointly by J. A.
Edwards & Robt. Q. Edwards, ^{in equal shares} situated
in Franklin ^{Co.} between the parties
entitled thereto, according to their
respective rights. And affidavit
having been made and filed that
Mary R. Edwards (widow of R. Q. Edwards),
Eva G., Estello C., Carrie M., Jesse A. and
R. Q. Edwards are non residents of the
state of Virginia. it is ordered that they
appear here within fifteen days after
due publication of this order and do
what is necessary to protect their interest

in this suit.

A copy - tests: B. F. McLinn's lbg.

J. C. Parker p.g.

Edwards

Edwards
Publication

Edwards & Co.

Please sign or return

Rec'd of J. C. Parker. Special Census.
Five dollars & fifty cents. clerks fees to
date, & One & ⁵⁰/₁₀₀ dollars. Future fees.
in bill of Edwards, as Edwards it also.

B. F. McLenore

Received of J.B. Parker ^{Special Agent} Fifteen dollars
for surveying & tagging off land
of R.O. & J.A. Edwards, in trust of
Edwards as Edwards et al.

Jan 13th 1891.

J. L. Wiers

Edwards & Edwards &c

Book 18. Rules 1.00. Int. return 35
filing bid 15. Refs 15. 2 decrees 1.44. Lay
costs 40. Filing away papers 25.

Ord: Pub: Rule 50. Corp Ord: 20. Posting 20
Oath non residence 15. Filing affidavit 15
filing Cert. of Pub 15. Filing Amr's report
25

Paid B. F. Mc Clerk \$5.52

Shff 0.00

Law Yr. 16.50

Ord: Pub: 6.50

\$ 28.52

Future Costs \$1.50 paid -
Jan'y 15/90.

1.18

.35

30

1.44

40

25

90

45

25

5.52

Edwards 165-

in 3 Stat: Rules

Edwards & als:

1 Oct.

J. A. Edwards.

Plff.

Against

Gary R. Edwards, Adult.

Eva G. Edwards. Estelle C. Edwards

Carrie M. Edwards, Jesse A. Edwards,
and Robert O. Edwards, - all infants.

by J. B. Pines. Edm ad litem - Dyft.

1890. Sept 5. Ord: Pub: issued.

" " 22 " " Forled.

" 1 Oct. Rules. Ord: Pub: Complete. ~~Bier & Ex: filed.~~

J. B. Pines appt. Edm ad litem.

~~Answer~~ answer deere nisi & Adult.

" 2 " " Answer of infants filed.

answer of Edm ad litem. filed.

answer of Gary R. Edwards. filed

Genl. replication. Cause
set for hearing.

In
Chancery

Edwards

as { Answers of
Lilic ad litum

Edwards outers

J. B. Prince
The answer of ~~L. L. McDaniel~~,
Guardian ad litem to the infant
defendants Eva G., Estelle C.,
Corrie M., Jessie A., & R. D.,
Edwards. & the answer of said
infant defendants by their
said guardian ad litem, to the
bill in equity exhibited against
them & others in the Circuit
Court of Lanthamton County Va.
by Jesse A. Edwards.

The said infant defendants,
by their said Guardian ad litem,
answers & say ^{that} they ~~are~~ of tender
years & know nothing of the state-
ments contained in said bill,
& confide the protection of
their interests to the court.

And the said Guardian ad litem an-
swers & says that he knows nothing
of the truth or falsity of the statements
in the bill, but prays full pro-
tection for the said infant defen-
dants. And now having fully an-
swered, these defendants pray to be
dismissed, etc.

J. B. Prince born
ad litem

The answer of Cary R. Edwards
defendant, to the bill of complaint,
exhibited against her & others, in
the Circuit Court of Southampton
Co. by J. A. Edwards.

This defendant, reserving to herself
the benefit of all just exceptions to
said bill, answering said, that
she does not desire that dower
shall be allotted her in the said
land in the bill & proceedings
mentioned: that she has decided
to take the whole of her dower
interest in her deceased husband's
lands, out of the lands in the
State of North Carolina: that she
renounces all claims to the said
land, & prays that the same
may be equitably divided among
her children the infant defendants
named in said bill, & confides
the protection of their interests to
the court.

And now having fully an-
swered the complainant's bill,
this defendant prays hence
to be dismissed, with her ra-
sonable costs in this

believe extended, and she will
ever pray, etc. etc.

Cory R. Edwards

J. C. Porter f. d.

State of North Carolina.

County of _____, to-wit:

This day personally appeared before
me, a Justice of the Peace for the
county aforesaid, Cory R. Edwards,
& made oath that the statements
made in the foregoing answer,
are, to the best of his knowledge
& belief, true.

Given under my hand this 11th day
of October 1890.

R. W. Brown, J. P.

Edwards
as } Answer of
Cory R. Edwards
Edwards. It also

Southampton Circuit Court for Term 1890

Edwards

v

Edwards et al

} 1st Decree

This day this cause came on to be heard upon the bill & exhibits filed the answer of Gary R. Edwards, the adult defendant, of infant defendants by Guardian ad litem and was argued by Counsel. In consideration whereof the Court doth adjudge order & decree that L. R. Edwards, A. M. Brownley, J. W. Norfleet, E. P. White & A. W. Norfleet any three of whom may act who are hereby appointed Special Commissioners for that purpose go upon & examine the land in the bill & proceedings mentioned & report to this Court.

1st Whether the same be divisible in kind among those entitled thereto;

2nd If it be practicable to divide the same in kind, they shall employ a surveyor & have the same laid off in lots accord- to their judgment, & shall then divide up said lots equitably among those entitled to said land not regarding the dower of Gary R. Edwards, in their proper shares, giving to each one his or her lot by number & description filing a complete map of said land, which they shall have said Surveyor to make with their report -

And they shall report to this court
 as soon as practical after the entering
 of this decree. And it is further
 ordered that this be made a vacation cause
 by consent of parties in open court.

Copy

Teste B. A. McLeod clk.

Edwards
 vs
 Moore
 Edwards

Copy

Eva G. Edwards
 Estelle G. "
 Bernice M. "
 Jessie A. "
 Robert O. "

1
 2
 3
 4

Edwards
as } 2nd decree
Edwards it also }

This day this cause came
on to be heard upon the papers
formerly read & upon the report
of Commissioner L. R. Edwards. A. C.
Hofstet, A. M. Brownley, J. W. Hoff-
stet & E. F. White, to which report
no exceptions have been filed,
& was argued by counsel.

Upon consideration whereof
the court doth adjudge order
& decree that said report be
confirmed, & doth further
adjudge order & decree that J. C.
Parker, who is hereby appointed
a Special Commissioner for that pur-
pose, collect from J. A. Edwards
the \$40.⁰⁰ which said report rec-
ommends that he shall pay to
the infant defendants in this
suit, & out of same he shall
pay one half the costs of this suit,
including a fee of fifty dollars
to J. C. Parker atty. & the balance
if any, he shall pay to the
legally qualified guardian of

The said infant defendants, Eva
 G. Edwards, Estelle C. Edwards, Corrie M.
 Edwards, Jessie A. Edwards, Robert
 O. Edwards. And said Camin shall
 also collect from said J. A. Edwards
 an amount sufficient to pay
 the other one half of costs, inclu-
 ding said attorney's fee. But
 before retiring on the discharge
 of his duties under this decree
 he shall give a bond, with security
 approved by the clerk, conditioned
 for the faithful discharge of his
 duties under this decree, in
 the sum of \$100.⁰⁰
 To the clerk of the

Circuit Court of Southampton Co.
~~In vacation.~~

Edwards

as } 2nd Decree

Edwards returns

Dec 22 and 1890

to be returned

C.M.H.

Clerk

Edwards

vs. } Final Decree

Edwards et al

May Term 1891

To be entered

C. W. J.

Map filed
in Current Map

Book 5/13/1922
Page 73

Ent p 465

Edwards }
as } Final decree
Edwards it also }

This day this cause came on to be further heard upon the papers formerly read & upon the report of J. C. Parker Special Commissioner & was argued by counsel.

Upon consideration whereof the court doth confirm said report, there being no objection filed thereto, and it appearing that there is nothing further to be done in this cause, it is ordered that the cause be dismissed from the docket.

Edwards
as
Edwards et al } 1st decree

This day this cause came on to be heard, upon the bill & exhibits filed, the answer of Cory R. Edwards, the adult defendant, of the infant defendants by Guardian ad litem, and was argued by counsel.

In consideration whereof, the Court doth adjudge, order, & decree that L. R. Edwards A. M. Browley, J. W. Norblut, E. F. White & A. W. Norblut, all three of whom are & act as one hereby appointed Special Commissioners for that purpose, go upon & examine the ~~trusts~~ ~~affairs~~ laid in the bill & proceedings mentioned, & report to this Court.

Edwards
as } 1st Decree
Edwards et al

November Term 1890
To be returned
Dec 2 1890
Mr C. 1890

1st Whether the same be divisible in
in kind among those entitled thereto.
2nd If it be practical to divide the same in
kind, they shall employ a surveyor, &
have the same laid off in lots, accord-
to their judgment, & shall then di-
vide up said lots ^{not according to the descent of land} equitably among
those entitled to said land, in their
proper shares, giving to each one
his or her lot by number & descrip-
tion, filing a complete map of said
land, which they shall have said
surveyor to make, with their
report.

And they shall report to this court
as soon as practical after the
returning of this decree.

And it is further ordered
that this be made a
vacation cause by
consent of parties in open
court.

Ent