

1893. 24

Southampton County - Chancery

Davis, J. C.
et al

vs Holmes, P. J.

to Partition
sell and proceeds
divided between the
parties according to
their interest

Davis, Mary E.

Orrillan, C. F. +

Orrillan, Priscilla his wife

(Holmes, Lillian

Holmes, Henry Lee

Holmes Beulah

Holms & Co

as

Bill & Co

Holms

1879 April Rules

In the Circuit Court of Southampton County

To the Hon. Blaw Judge of the Circuit
Court of Southampton County in Chancery Sitting

Humbly complaining show unto your Honor your
complainants J. B. Davis and Mary E. his wife
C. F. Peltow and Priscilla his wife Sallie Holmes
Henry, Lu and Beulah Holmes the last three of
whom are infants under the age of 21 years who sue
in this behalf by Mary E. Holmes their mother
and next friend, that P. J. Holmes lately departed
this life, ^{intestate} leaving surviving him as his heirs at
law his seven children Priscilla Peltow the wife
of C. F. Peltow, Mary E. Davis the wife of J. B. Davis
Sallie, Henry, Lu, Beulah, Holmes and Peltow
J. Holmes herein made defendant,

That at the time of his death he was seized and
possessed of certain real estate lying and situated
in Southampton County, which descended to his said
heir at law, subject to the dower of his widow,
the said Mary E. Holmes, That by an order of
the County Court of this County commissioners
have been appointed to assign to the said widow
her dower in the said lands a copy of whose
report will be herewith filed as an exhibit.

Your complainants show that they are jointly
seized as tenants in common with P. J. Holmes
herein named defendant of the said lands whereof
their father P. J. Holmes did die seized, and desire
that the same shall be equally divided among
them, Your complainants further show

unto your Honor that the lands aforesaid cannot
be conveniently divided in kind; that no one
of them is willing to take the whole and pay to
the others the value of their respective interests
therein, And that the interest of all parties
concerned will be promoted by a sale of the
said lands. Your complainants file herewith
a certified abstract from the records marked "X"
showing the amount of the real estate of which
they are jointly seized & pray that the same may
be read as part of this bill.

In tender consideration whereof and forasmuch as
your complainants pray that P. Holmes
may be made a party defendant to this bill
and required to answer the same. That
your Honor will direct the said lands to be
divided or if that cannot be conveniently
done in kind, that an order may be entered
directing the same to be sold and the proceeds
to be divided between the parties according to
their interest. And that your Honor will
grant unto your complainants such other
further and general relief in the premises
as to equity may seem meet and the nature
of this case require. And your complainants
will ever pray &c.

For and in Defense of
Dennis & Davis &c.

~~24~~ ~~24~~ ~~24~~ ~~24~~
~~24~~ ~~24~~ ~~24~~ ~~24~~
Davis Jr 24 ~~24~~

Stat. Rules 21

Holmes

In Southampton Circuit Court.

J. L. Davis and Mary E. his wife C. F. Prellow and Priscilla his wife, Lillie Holmes
Henry, Lee, & Boudah Holmes, the last three infants under the age of 21 years who sue in
this behalf by Mary E. Holmes their mother and next friend Plaintiff

against
P. J. Holmes

Defendant

1879 March 14th Summons issued returnable to April Rules

" April 10th " returned, service acknowledged - Bill filed D. Nisi to
Defendant.

" May " Bill taken for confessed - cause set for hearing N^o
Nov " I. Cont. 36

1880 Nov " Cont 36 Decree for partition

I acknowledge legal service of the
within writ
March 14th 79
Peter J. Skatnus by
Frederick J. Skatnus his atty

Davis suff r

to

Holmes & Co

14

The Commonwealth of Virginia.

To the Sheriff of Southampton County: Greeting.

We command you to summon Peter J Holmes

to appear at the Clerks Office of our Circuit Court for South-
ampton County, at the Rules to be holden for the said Court on the first
Monday, of April 1879 to answer, J. L. Davis
& M. L. his wife C. P. Patton & P. Scallan his wife Sallie
Holmes Henry Lee and Buriah Holmes the last three of
whom are infants under the age of 21 years who sue by
Mary B. Holmes their mother and next friend
and have then there this Writ: Witness, Littleton R. Edwards, Clerk of
our said Court, at the Court House this 14th day of March 1879
in the _____ year of the Commonwealth.

L. R. Edwards cc.

Davis & Co

Es } Area

Olahuwa

Nov 1888

Geo. Blow,

Davis

Es } Note for Dura Nov^r term 1880
Holmes

This cause came on this day to be further heard upon the papers formerly read and was argued by counsel. On consideration whereof the Court doth adjudge order and decrea that W^o E. Kido & R. M. Burgess, J. N. Bain, J. E. Boykin and Pickett Burton who are hereby appointed special commissioners for the purpose, either thro of whom or by act, do enter upon and divide the land whereof P. Holmes did seize, among his heirs at law, even in number, according to law, taking, if necessary, a competent surveyor to aid them in ~~the~~ making the partition, or if the same cannot be conveniently divided or partitioned in kind among the parties exhibit that they state their reasons therefor, and in either case, that they make report to Court how they have executed this decree. And by consent of parties in open Court it is ordered that this cause be taken by the Court for decrea to be entered thereon in vacation, such decrea if entered to be of the same force & effect as if entered in open Court during the term thereof.

Dr. B. L. L. L. L.
J. H. Bain
J. F. Brykine
Dr. R. L. Burgess
Rich. A. B. L. L.

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Davis

E. } Decra

Holmes

=

May 1879

To be entered

Geo. H. L. L.

Davis & c

vs

Stobus

This cause came on this day to be heard upon the bill taken per confesso as to the defendant P J Stobus upon whom process has been duly served he still failing to appear plead answer or demurrer and was argued by counsel. On consideration whereof the Court doth adjudge order and decree that B F Bill; R M Burgess; R S Boykin R M Stephenson and M D Butler any three of whom may act inquire and report to Court whether the lands of which P J Stobus doth seign can be divided among his heirs at law, some in number, in any of the modes prescribed by law, and if so that they make partition thereof among the said heirs; And if the said lands cannot be conveniently divided in kind that they report whether the interest of the parties interested will be promoted by a sale of the said real estate, and make report to court of their action under this decree

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Holmes, chais

" 2 now for same

Holmes

Nov. 7. 1879

To be entered

Geo. B. Shaw,

We as Council for
the parties to this
First Consent to this
decrees. in open Court.
To be entered of leaving the same,
Hend & Davis
Atty &c

Holmes and others }
v. } Note for decree
Holmes. }

This cause came on to be again heard this day on the papers formerly read and was argued by Counsel. On Consideration whereof by consent of parties, given in open Court and now here- in entered of record, the Court doth order that this cause be submitted to the Judge of the ^{Present} Court of Southampton County in which this cause is pending for decision ~~so decree for decree~~ to be en- tered herein in vacation.