1903 - 18 Southampton County - Chancery Miles, W. W. et al Vs. Burgess, Jennie A. et al (Cut)

"Partition Suit"

Cut, Jack O

Burgess, George
Miles, Lillian
Miles, Annie
Miles, Richard
Miles Frank

(*)
Dent
Inside

Cox

v.

Burgess.

Original Bill & Exhibits

1900. 1st. Sept. Rules filed

L. A. Gay & S.

J. B. Prince & Son — f.e.

To the Hon. Robert R. Prentis, Judge of the Circuit Court of Southampton County, Virginia.

In Chancery.

Your orators, M.W. Miles and Jacob P. Cox, both of the said county of Southampton, humbly complaining sheweth to your honor:

That their mother, Hannah J. Cox, late of the same county, during the year 1900 departed this life seized and possessed of a certain tract of real estate, situated in the county of Southampton, and leaving three children, to-wit: M.W. Miles, Jacob P. Cox and Jennie Anne Burgess, formerly Cox, her surviving:

That the said Hannah J. Cox, in her life time, to-wit: on or about the 24th day of September, 1895, duly made her last will and testament, according to law, leaving her said tract of land to be divided among her three children as follows : To your complainant, M.W. Miles, she gave a life estate in the house in which she lived at the time of her death and ninety eight acres of land around it, and at his death to his children in fee simple. To her other two children, Jacob P. Cox and Jennie A. Burgess all the remainder of her real estate to be divided between them, all of which will more fully appear from an office copy of said will filed herewith and marked "A" and prayed to be taken and read as part of this bill:

That the said will was duly admitted to probate at the July Term of 1900, of the County Court of Southampton county as will appear from a copy of the order filed herewith and marked "B".

Your complainants charge and aver that they are unable to divide the said tract of land among themselves so that satisfaction will be given to each of the parties entitled.

Forasmuch, therefore, as your complainants are remediless, save in a Cout of Chancery, where matters of this sort are properly cognizable, your complainants pray that Jennie A. Burgess,

* that the children of the said Miles are as follows: Annie Miles, Lillie Miles, Rillord Miles and Frank Miles, all infants except Annie, who is an adult.

but they charge that the same is susceptible of partition.

Annie Miles, Lillian Miles

who was Cox, and George W. Burgess, her husband, be made parties a
Richard Miles, and Frank Miles, the last three infants under 21 years of age,
defendants to this bill and be required to answer the same,
that a proper guardian ad litem be assigned to defend the infant defendants
though answer under oath is expressly waived; That commissioners
be appointed to go on said land and make such partition as to
them shall seem just and equitable, and that the said commis-
sioners allot to each of the said children ~~xxxhx~~ his or her
part, and that if the commissioners so appointed are unable
to make a fair ~~xxdxim~~ division among the parties entitled
without the services of a surveyor, that they may call in
and if practicable in
such surveyor to assist them ~~in~~ their duties. And that such
Same after terms designated by the statute cannot be made, then
other and further relief may be granted to your complainants
that the said land may be sold & the proceeds divided -
as is adopted to the nature of their case and agreeable to
equit and good conscience.

And your complainants will ever pray &c.

J. B. Prince & Son. S.C.

Miles et als.,

Amended Bill and

V.

Exhibits.

Burgess et als.

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1900. 1st. Oct Rules Filed

L. a. Hay Clk.

J. B. Price & Son - Sols.

To the Hon. Robert R. Prentis, Judge of the Circuit Court for Southampton County.

In Chancery.

Your complainants, M.W. Miles and Jacob P. Cox, complaining sheweth unto your Honor by way of Amended Bill as follows: That their mother Hannah J. Cox during the year 1900 departed this life seized and possessed of a certain tract of real estate situated in the county of Southampton and leaving three children, to-wit: M.W. Miles, Jacob P. Cox and Jennie Anne Burgess, formerly Cox surviving her. That the said Hannah J. Cox on the 24th of September, 1895, duly made her last will and testament, leaving the said tract of land to be divided among the three children as follows: to your complainant M.W. Miles she gave a life estate in the house in which she lived and ninety eight acres of land around it, and at his death to his children in fee simple. To her other two children, Jacob P. Cox and Jennie A. Burgess, all the remainder of her real estate to be equally divided between them, all of which will more fully appear from an office copy of said will filed herewith and marked "A" and paryed to be taken and read as a part of this bill. That the said will was duly admitted to probate at the July term, 1900, of the County Court of Southampton county aswill appear from a copy of the order of probate filed herewith, marked "B" as a part of this Bill. That the children of the said M.W. Miles are as follows: Annie Miles, an adult, Lilian Miles, Rillard Miles and Frank Miles, all of whom are infants. And the husband of Jennie A. Burgess is George W. Burgess.

Notice is hereby given to all parties concerned that the Court will be asked to allow a reasonable attorneys fee to J.B. Prince & Son from any fund that may be under its control from this cause for their services in conducting this cause.

Your complainants charge and aver that they are unable to divide the said tract of land among themselves so that satisfaction will be given to each of the parties entitled, but it is possible that the same is susceptible of partition. Forasmuch therefore as your complainants are without remedy in the premises save in a Court of Chancery where matters of this sort are properly cognizable, they pray that Jennie A. Burgess, formerly Cox and Geo. W. Burgess, her husband, Annie Miles, Lilian Miles, Rillard Miles and Frank Miles, the last three infants under 21 years of age be made parties defendant to this Bill and be required to answer the same though answers under oath are expressly waived. That a proper guardian ad litem be assigned to defend the infant defendants. That commissioners be appointed to go on the said land and make such pattition as to them shall seem just and equitable. That the said commissioners allot to each of the said children his or her part and that if the commissioners so appointed are unable to make a fair division among the parties so entitled without the services of a surveyor, that they may call in such surveyor to assist them in their duties. And if partition in some of the ways designated by the statute can not be conveniently made them that the said land may be sold and the proceeds divided among those entitled. And that your Honor will grant such other, further, general and special relief as to equity may seem meet and the nature of the case may require. And as in duty bound &c. May it please the Court &c

J. B. Prince & Son
p.q.

Miles et als.

vs. } Stat: of Cond

Burges et als.

Miles et als

vs. } Stat: of costs

1900 Bunyea et als.

Aug. 29 Summ. 25. 2 cop. 26. receipt 18. atty. 10. Docket 18. 97

Rules 1.50, return 35. fil bill 15. Do. cp. 15 = 2.15

copy cp. 50. order to dismiss 36 = 86

Tax costs 40. fil. away papers 25 = 65
£4.63

Sept. 18th. Strother Summ. 25. 4 cop. 52. receipt 18 = 95

atty. 10. Docket 18. Rules 1.00. return 35 = 1.63

fil. amended bill 15. Do. ans. of Defts. additm 15 = 30

Do. report of Comr. in chancery 25. Dem. copy 106 = 131

fil. report of Comrs to partition Land 25 = 25

Do. plat. 15. Do. supplemental report of Comrs 25 = 40

Tax costs 40. filing away papers 25 = 65

filing J.C. Wills account 15 = 15

1901. 5. Feby. Sundry costs about £2.00 = 2.00

Drawing Exceptions &c 1.38

Paid L. A. Gay Clerk £12.27
13.65

Sheff. 3.00

Sauve. 18.00

~~£~~
£34.65

Comr J.N. Debnam Jr. 2.50

Comrs to partition land, W.M. Beaton 2.00

" " Richd Howard 1.00

" " G.W. Prince 2.00 Rd. G.W. Prince

Paid T. J. Wade T.J. Wade 3.00. 8.00

Surveyor J.C. Wills account Paid J.C. Wills 35.00

Tests: L. A. Gay c.c. ~~£34.65~~

£80.15

miles et als.

vs } J. L. Wills et al

Burgess et als.

1901 5th April Filed

Franklin Va

April 6th 1901

The Estate of Mrs Hannah J. Cox

To S. C. Wiles

| | | | |
|---|---|---|---|
| 1900 | | | |
| Dec | 7th | For surveying and laying out | |
| | | The Lands of Mrs Hannah J. Cox | |
| | | in accordance with Deed | $35.00 |
| | | Cr. By. amt paid by G. H. Burgess | $12.00 |
| | | Bal due | $23.00 |

Rec't Payment in full

March 5th 1902

S. C. Wiles

Miles et als.

vs. } Spa: In chy.

Burgess et als

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1900. 1st Sept. Rule

to. def.

Executed

Aug. 31st 1900 by de-
livering a copy of this
'Spa in Chan.' to Jarvis
A. Burgess. Def. J. Burgess
not being found at his usual
place of abode I delivered
a copy of this 'Sum.' for him
to Jarvis A Burgess and
explained it's purport to him
She being a member of his
family over the age of
sixteen years.

J. W. Williams
Sh'ff.

(2)

Princeton p.q.

# THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon Geo. W. Burgess & Jane A. his wife.

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 1st Monday in Sept. 1900 ~~next,~~ to answer a bill in Chancery exhibited against them in our said Court by M. W. Miles and Jacob P. Long

And this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this 29th day of August, 1900, in the 125 year of the Commonwealth.

Teste: L. A. Gay C. C.

A Copy—Teste: C. C.

Miles et als.
vs. } Supplemental Report of Commrs.
Burges et als
1901 30th March Filed
T. A. Gary a.e.

Geo. W. Burges.

Watson W. Miles - Witness
Thos. E. Vick. "

Burgess

vs 33 Supplemental Report.

Cexandthers

In this cause the undersigned three of the Commissioners, who partitioned the land among the heirs & devisees of Mrs Hannah J. Cex dec'd, and also Capt J. C. Wills who made the survey & plat of, which is filed with the papers. Umes state that when the survey was completed, M. W. Miles stated and agreed that if the survey was accepted, he umes agree for the mill path to be located on his land next to the line of Mrs Burgess. With this distinct understanding, the partition and allotments were made, all of which is respectfully submitted.

March 26. 1907.

To the Judge of the Circuit Court of Southampton Co

Richard Nwaid
Wm Beaton
T. J. Wade
J. C. Wills Surveyor
For Southampton County

Commrs.

The Mill Path mentioned in the above report was distinctly understood to be twenty feet wide by all parties concerned.

J. C. Wills County Surveyor

Miles et als.

vs } Spa. In chancery

Burges et als.

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1900. 1st Oct. Rules

bis. tot.

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Executed Sept 21st 1900 by delivering a copy of this notice to each of the within named parties defendant.

J. W. Williams

S.P.C.

(4)

Printer's fee $.9.

THE COMMONWEALTH OF VIRGINIA,

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

WE COMMAND YOU THAT YOU SUMMON Geo. W. Bunges, Jennie A. Bunges, who was formerly Jennie Miles, Lilian Miles, Rillard Miles and Frank Miles, the last three infants under 21 years of age by their Guardian 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 1st Monday in Oct. 1900 ~~next~~, to answer an amended Bill in Chancery exhibited against them in our said Court by

M. W. Miles & Jacob P. Gay

And this 18th shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A GAY, Clerk of our said Court, at the Courthouse, this 18th day of September, 1900, in the 125th year of the Commonwealth.

Teste: L. A. Gay C. C.

Miles et als

Vs) Report of Comr Sebrell

Burgess et als.

1900. 6th Nov. filed

L. A. Gay b.h.

Commissioner's Office.

Courtland,Va.,November 3rd 1900

To Honorable Robert R.Prentis,Judge of the Circuit Court of the County of Southampton,Virginia.

Pursuant to a decree of the Circuit Court of Southampton County,rendered on the 20th day of October 1900,in a suit in chancerymdepending in the said Court between W.M.Miles and Jacob P.Cox,plaintiffs,and George W.Burgess,Jennie A.Burgess who was Cox,Annie Miles,Rillard Miles,and Frank Miles,the last three by William Shands their guardian ad litem,defendants, the undersigned,one of the commissioners of the said Court, towhom was referred certain inquiries disected to be made by the said decree,reports to Court,that on the 31st day of October 1900 he issued notices to the several parties aforesaid, requiring them to attend the taking of the said accounts,before him,at his said office ,on the 3rd day of November 1900,which were returned to your commissioner,with legal service of same duly acknowledged.

As to the said several inquiries directed to be made by the said decree your commissioner would report as follows:

1st-; There are no delinquent taxes due on the real estate of the late Hannah L.Cox.

2nd-; There are no liens on the said land or on the shares of any of the parties entitled.

3rd-; Themfee simple value of the land is .....$585.00

The annual value of land is .....$ 50.00

All of which to gether with notice &c is

Respectfully submitted,

Jno. L. Bruce Jr.

Commissioner in Chancery.

Com'r fee $2.50

Chd to plaintiff.

Miles et als.

Vs.) ~~Petition~~ Notice of Com'r Sebrell

Burgess et als.

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We acknowledge legal service of within Notice.

J B Prince & Son.
attys. for all parties.

Wm Shands
Edmund Sibert

John N.Sebrell Jr.
OFFICE OF ~~JOS. B. PRINCE, JR.~~

*Commissioner in Chancery for the Circuit Court of Southampton County, Virginia.*

Courtland, Va., November 3rd 1900

To

W.M.Miles,Jacob Cox,George W.Burgess,Jennie A.Burgess who was Cox, Annie Miles,Rillard Miles,Frank Miles,the last three infants by William Shands their guardian ad litem.

You are hereby notified that I have fixed upon the 3rd day of November 1900 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 there are any delinquent taxes due on the real estate of the late Hannah J.Cox,and ifso,how much.

2nd,- Whether there are any liens on said land,or on the shares of any of the parties entitled,and ifso the amount of same.

3rd,- The annual and fee simple value of the real estate of the late Hannah J.Cox.

4th,- Any other matter deemed pertinent by the commissioner or which may be required to be so stated by any interested party.

required to be taken by a decree of Southampton Circuit Court, rendered on the 20th day of Oct. term, 1900 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.

John N. Sebrell Jr., Commissioner.

*To the Sheriff of Southampton County to execute.*

Miles et als

vs } Stat: of Rules.

Burges et als.

M. W. Miles & Jacob P. Cox Plaintiffs

vs.

Geo. W. Burges. Jennie A. Burges, who was formerly Cox, Annie Miles, Lillian Miles, Rillard Miles and Frank Miles, the last three infants under 21 years of age by Mrs Shands- Gdn. ad litem. } Defendants

1900. 18th September. Process issued to 1st. Oct. Rules

1900. 1st. Oct. Rules. Process returned executed, Mrs Shands appointed Gdn. ad litem to infant defendants, Bill and exhibits filed. Decree nisi vs. Adult defendants

1900. 2nd. Oct. Rules. Bill taken for confessing as to adult defendants and cause set for hearing

Lord

vs } Statement of Rules

Burges

M. W. Miles and Jacob Lowy Plaintiffs

vs

George W. Burgess & Jane A. his wife. } Defendants

1900. 29th August. Process issued to 1st Sept. Rules

1900 1st Sept. Rules. Process returned executed

Bill and Exhibits filed

Decree nisi vs. the defendants

1900. 2nd Sept Rules. Bill taken for confessed and cause set for hearing.

1900. 1 Oct. Rules. Cause dismissed by ord of Plaintiffs atty.

I. Hannah Jane Cox of the County of Southampton, State of Virginia being of Sound mind and memory do make and ordain this my last Will and testament in manner and form following:

First. I lend the house in which my son M.W. Miles now lives and ninety eight (98) acres of land around it to his children until the youngest becomes Twenty one (21) years of age, and then I lend it to my son M.W. Miles during his life, and at his death I give it to his chiedren and their heirs forever.

Second. I lend the balance of my land to my son Jacob Paul Cox, and to my daughter Jennie Ann Burgess (formerly Cox) during their lives, and at their death I give it to their heirs forever.

In witness whereof I set my hand and seal this Twenty fourth day of September A.D. 1895

Hannah Jane her X Cox mark (Seal)

Signed and sealed in the presence of Witness.

W.E. Worrell

N.M. Pope

Southampton County Court, July Term 1900.

A writing purporting to be the Last Will and testament of Hannah J. Cox deed, was

produced in Court, and proved by the oaths of W. E. Worrell and N. M. Pope, the subscribing Witnesses thereto and ordered to be recorded as the last Will and testament of the said Hannah J. Gay dec'd,

Teste: B. F. McLemore C.C.

A copy.

Teste: L. A. Gay D.C.

Ex. "B." #73.

Doc. No. { Copy of W.S. Gay Will & order of probate Page 44

Cox

v. Answer of infant defendants by Wm. Shands, gdn. ad litem.

Burgess.

LINEN BOND

The joint and several answer of Lillian Miles, Rillard Miles and Frank Miles by Wm. Shands, guardian ad litem, to a bill of complaint exhibited against them in the Circuit Court of Southampton County by M.W. Miles and Jacob P. Cox.

These respondents saving and reserving &c. for answer to the said bill answer and say: That they are infants of tender years and know nothing of their interests in this suit. They therefore leave it to the protection of this Court.

And now having answered pray hence to be dismissed.

Wm Shands Gdn ad Litem

LINEN BOND

Cox and Niles

v. Notice.

Burgess et als.

1900. Oct. 20

Executed by delivering a copy of this notice to each of the within named defendants Octo. 18th 1900.

J. H. Williams
Sheff
L

(4)

To George W. Burgess, Jennie A. Burgess, Annie Miles, William Shands, guardian ad litem for Lillian , Rillard and Frank Miles.

Take Notice that on the 20th day of October, 1900, we ~~xxxx~~ shall ask the Judge of the Circuit Court for Southampton county, Va., at his office in the town of Suffolk, Va., for an Interlocutory Decree in a certain cause in Chancery depending in the said Court, in which we are plaintiffs and you are defendants.

Oct. 11th, 1900. Respectfully,

M. & W. Miles

Jacob P. Cox

by J. B. Powell & Son his attys.

Miles et al

vs } Lennis report to partition Land

Burges et als.

1901. 2nd Jany. filed

L. A. Kay Esq.

To The Hon Judge of The Circuit Court of Southampton.

We The undersigned Commissioners appointed by The Circuit Court of Southampton County From 1900. Beg leave To report That on The 6th day of December 1900 we went upon The premises of The late Hannah J. Cox and in accordance with an order of The Circuit Court From 1900. did Lay out and mark off The Lands of The late Hannah J. Cox as follows.

1st To W W. Wiles Ninety Eight acres in The North East part of The Said Tract Containing The dwelling in which The said W W. Wiles now resides. The said dwelling being situated near The Centre of The said 98 acres. of which The following are The discription Metes. Beginning at a post in a field on The South side of Old Mill Path Thence S 83½ E 34 chains To Black gum in J. D Parker's line The said gum being in The fork of a branch. Thence up The run of said branch To three Pines a cor for J. D Parker This Tract and Geo. Prince Th along said Princes line S 88 W 11.60 ch To three Pines Th N 81¼ W 5.60 ch To Pine a cor Th N 28½ E 6.65 To Bk gum Same corner 9.20 ch To R Oak cor on Geo Princes Th N 9¾ W 6.50 Pine (S.L) N 9¼ W 3.40 Pine (S.L of f) Th S 11 W. 9.18 ch To R Oak a cor for This Geo Prince and Martha Norris. Thence down The run of a branch its various Courses To a Bk Gum

1 Cor Corner for this Tract - and Martha Moran on Tract
2 No 2. allotted To Jacob P Cox. Thence S 2° W 27 ch
3 To the Post - The beginning, known as Tract - No 1. on
4 The accompanying Map of survey
5 2nd To be allotted To Jacob P. Cox The tract - bounded
6 by Vicks Mill Dam on North Jessie A Burgess on
7 South, Martha Moran and W W Wiles on East -
8 and Geo Moran on West - and shown on Map
9 as Lot - No 2. More definitely described as follows,
10 Beginning at the same Post - as for Lot - No 1. Thence
11 S 89 W 21.60 chains To R.O on mill path. Th- N 52 E. 3 ch
12 N 60 E 3.45 - R.O. N 5½ E 5.45 - Mulberry, same Corner to and
13 in Swamp a cor on This for Geo Moran. Thence
14 along the run of said branch To the run
15 of Vicks Mill Dam Th- with the run of said
16 Dam To Short - branch Th- with Short - Branch to
17 Triple Sweet gum on the head of branch. Th- S 9° E
18 7.70 ch S 13 E 7.78 ch To Bk gum Cor for Lot No 1
19 Th S 2° W 27 ch To the Post the beginning Containing
20 Thirty nine Acres.
21 2nd We allotted To Jessie A. Burgess The
22 tract bounded on the North by Lots No 1 and
23 No 2. as shown by Map. herewith fixed. on the
24 South by the lands of Geo W Burgess and J. D.
25 Hardin on East - by J. D Dawson and on the
26 West - by Davis Tract. Containing 80 Acres.
27 A more definite description not being necessary
28 as the new lines will be former discription
29 in Lots No 1 & No 2. and the new lines are
30 well defined by chopped trees and small
31 branches or swamps.
32 In Your Commissions by Law To report

That all of the divisions are attended by a large concourse of people who express themselves as satisfied with the work of the commissioners

All of which is respectfully submitted.

Wm Beaton
Richard Howard
G. M. Prince
T. J. Wade

Commissioners

| | |
|---|---|
| Wm M. Beaton | 2.00 |
| Richd Howard | 1.00 |
| Geo. Prince | 2.00 |
| T. J. Wade | 3.00 |
| | $8.00 |

Miles et als.
vs } Copy Decree
Burgess et als.

In vacation
Oct. 20th, 1900.

Entered on Page 342

W. M. Miles and Jacob P. Cox. Plaintiffs
vs} Decree.
George W. Burgess, Jennie A. Burgess, who was Cox, Annie Miles, Rillard Miles, Frank Miles, last three infants by William S Hands, Guardian ad litem.

This day this cause came on to be heard in vacation, pursuant to reasonable notice to the defendants of the Complainants intention to apply for this decree, which has been duly executed on all the defendants, upon the bill of the Complainants, original and amended. Taken for confessed as to the adult defendants, the answer of the infant defendants by William S Hands their guardian ad litem, duly assigned at rules, with genival replication thereto, and was argued by Counsel.

On consideration whereof, the Court doth adjudge, order and decree that R. Howard, Theodore Wade, W. M. Beaton and George W. Prince, be, and they are hereby appointed special Commissioners, any three of whom may act, for the following purposes: to-wit: after being first duly sworn, that they assign to W. M. Miles' children until the youngest become twenty one years of age, and then to the said Miles for his life, and at his death to his children, and their heirs forever, the homo

on which the said M. W. Miles now lives and ninety eight acres of land around it. And them report as follows:-

1st:- Whether the balance of the land can be conveniently divided in kind between Jacob P. Cox and Jennie Anne Burgess, wife of Geo. W. Burgess.

2nd:- If the same can not be so divided Whether either party will take the entire balance and pay to the other party such a sum of money as his, or her interest therein may entitle him, or her, to receive.

3rd:- If the same can not be conveniently divided in kind, and if neither party will take the entire balance and pay to the other party for his, or her, share of the same whether the interest of the said two parties would be promoted by a sale of the entire balance, or by allotment of part and sale of the residue. And the said Commissioners, if they find it necessary, may employ the services of a competent surveyor to assist them in their work. And they will make report to Court.

And it is also decreed that it be referred to one of the Commissioners of this Court to enquire:

1st:- Whether there are any delinquent taxes due on the real estate of the late Hannah J. Bott, and if so how much.

2nd:- Whether there are liens on said land, or on the shares of any of the parties entitled and if so the amount of same.

3rd:- The annual and fee simple value of the real estate of the late Hannah J. Bott.

4th: Any other matter deemed pertinent by by the Commissioner or which may be required to be so stated by any interested party.

In vacation in the Circuit Court of Southampton County, October 20th 1900. To the Clerk of said Circuit Court

Robert R. Prentis

Teste: L. A. Gay C.C.

A Copy.

Teste: L. A. Gay C.C.

Miles et als.

v. } DECREE.

Burgess et als.

Enter 8 day of Oct 1901.

Robert Pitman

Entered
#3
383

1 copy for U. C. W.

Burgess et vir.

v.

Miles et ux.

Miles et als.

v.

Burgess et als.

This day this cause came on again to be heard upon the papers formerly read and upon the supplemental report of commissioners Richard Howard, W. M. Beaton, T. J. Wade and I. C. Wills, County Surveyor, filed March 30th., 1901, to which no exceptions have been taken, and was argued by counsel.

On consideration whereof, and it appearing to the court from the said supplemental report that M. W. Miles agreed with said commissioners and Jennie A. Burgess that the mill path shown on the plat of the property as crossing the ninety-eight acre tract of said M. W. Miles about ten chains North of the dividing line between him and the said Burgess should be removed to a point next to the dividing line aforesaid on the said Miles' side of said line, and that said path should be twenty feet wide, the court doth adjudge, order and decree that unless the said path is opened to the width of twenty feet and allowed by the said Miles to remain unobstructed and free to the use of the said owners of the other portions of the farm at all times within thirty days from date hereof, that the said I. C. Wills, County Surveyor, as aforesaid, is hereby authorized, after giving notice to the said M. W. Miles and Thomas L. Vick, to go upon the said property and lay off and establish the said twenty-foot road-way, summoning before him, if necessary, the commissioners who allotted the said land into various parcels, that the location of the said road-way may be by the said surveyor, with the assistance of the said commissioners, ascertained and fixed, reporting the proceedings to this court in order to a further decree.

Miles et als.

v. } Decree

Burgess et als.

In vacation

Oct. 20th, 1900.

Enter this.

Robert R. Davis

Entered on page 342

Copy - 53 -

W.M.Miles and Jacob P.Cox, Plaintiffs,

v. Decree.

George W.Burgess, Jennie A.Burgess, who was Cox, Annie Miles, Rillard Miles, Frank Miles, Lillian Miles, last three infants by William Shands, guardian ad litem.

This day this cause came on to be heard in vacation, pursuant to reasonable notice to the defendants of the complainants intention to apply for this decree, which has been duly executed on all the defendants, upon the bill of the complainants, original and amended, ~~xxxxx~~ taken for confessed as to the adult defendants, the answer of the infant defendants by William Shands their guardian ad litem, duly assigned at rules, with general replication thereto, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that R.Howard, Theodore Wade, W.M.Beaton and George W.Prince, be, and they are hereby appointed special commissioners, any three of whom may act, for the following purposes: to-wit:- after being first duly sworn, that they assign to M.W.Miles' children until the youngest becomes twenty one years of age, and then to the said Miles for his life, and at his death to his children, and their heirs forever, the house on which the said M.W.Miles now lives and ninety eight acres of land around it. And then report as follows:-

1st:-Whether the balance of the land can be conveniently divided in kind between Jacob P.Cox and Jennie Anne Burgess, wife of Geo.W.Burgess,

2nd:-If the same can not be so divided whether either party will take the entire balance and pay to the other party such a sum of money as his, or her, interest therein may entitle him, or her, to receive.

3rd:-If the same can not be conveniently divided in kind, and if neither party will take the entire balance and pay to the other party ~~xx~~ for his, or her, share of the same

whether the interest of the said two parties would be promoted by a sale of the entire balance, or by allotment of part and sale of the residue. And the said commissioners, if they find it necessary, may employ the services of a competent surveyor to assist them in their work. And they will make report to Court.

And it is also decreed that it be referred to one of the commissioners of this Court to enquire:

1st:- Whether there are any delinquent taxes due on the real estate of the late Hannah J.Cox, and if so how much.

2nd:-Whether there are any liens on said land, or on the shares of any of the parties entitled, and if so the amount of the same.

3rd:-The annual and fee simple value of the real estate of the late Hannah J.Cox.

4th:-Any other matter deemed pertinent by the commissioner or which may be required to be so stated by any interested party.

Robert Phillips

In vacation in the Circuit Court of Southampton county, October 20th, 1900. To the Clerk of said Circuit Court.

8

Miles Sorten
vs 33 Deeds
Burgess Sorten

Apl 2. 1901

Enter Clerk.

Robert R. Ellis

8

Entered 335

Miles & others

vs

Decree

Burgess & others

This day this cause came on to be again heard on the papers formerly read the report of Com^r Jno N. Schell Jr. filed Nov 6. 1900. to which there are no Exceptions, the original and supplemental reports of the Commissioners who made partition of the real estate in the proceedings mentioned, filed respectively Jany 2. and Mch 30. 1901. with a plat from the Court Surveyor, showing the lines of Each Share of said land, and were argued by Counsel. On consideration whereof, and no Exceptions being filed to any of said reports, the same are hereby confirmed and declared firm and binding between the parties. and the Court doth decree that the costs of this suit be borne equally by the three owners of the shares. and that the same shall be a charge on the lands allotted to Each one. and that Execution may issue therefor.

10

Meeks et als -

vs. } Decree -

Burgess et als -

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Apl 7, 1903

Enter this -

Robert N. Ellis

Entered

Page No. 8

~~Circuit Court of Southampton County, in term, on the day of April, 1903.~~

Miles et als,

vs. Decree.

Burgess et als.

From the statement of the complainants' Counsel, it appearing that all the costs in this suit have been paid, and that the purposes for which it was brought have been accomplished, it is ordered that it be removed from the docket.

~~To the Clerk of The Circuit Court of Southampton County, Va.~~

# LANDS OF HANNAH J. COX

Divided By Commissioners

Dec 6th 1900

I. C. Wills Surveyor

Scale 5 Chains Per Inch

LOT No 2

Jacob. P. Cox

99 Acres

LOT No 1

M. W. Miles

98 Acres

LOT No 3

Jennie. A. Burgess

80 Acres

This plat filed in the Chancery Suit of Miles et als vs. Burgess et als, March 26th 1901, was withdrawn from the papers in said suit and recorded in connection with Deed of Trust from Paul T. Cox to Federal Land Bank of Baltimore this 31st day of January, 1939.

Teste: _____ Clerk