1876-020 Chancery Causes: J. J. McAllister + ux, William H Harrison + ux + William T

Isle of Wight County Edwards vs Thomas J. Edwards

Plat

other surnames: I'Anson

Mc Alister
v
Edwards Exr.

This Cause on which it is suggested that since the last decree herein the Plaintiff Wm J Edwards has intermarried with R W Jackson & it is ordered that this suit proceed in the name of said R W Jackson & Wife.

Cause on this day to be again heard on the papers formerly read & on the report of R A Randolph, W A Warren & Blair Pegram three of the commissioners of Partition under the decree herein of February Term 1875, & was argued by counsel, on consideration whereof The court doth adjudge order & decree that said report to which no exceptions were filed be confirmed & that the parties to this suit be perpetually bound by said report & hold the several tracts of land respectively allotted them by said commissioners according to the boundaries as set forth in said Report & Plat a part thereof. & the court doth further adjudge order & decree that the Plaintiff J J Mc Alister pay one half of the costs of this suit & the other parties the other half of the costs of this suit, & that this suit be removed from the docket. Nothing further remaining to be done herein.

M. Carlisle et al
vs
Edmunds

Rough Decree
April Term 1874
to be entered —

Geo. T. Bloom

Entered (4)

McAllister & al

vs

T. J. Edwards

This cause this day came on to be heard on the complainants bill, the answer of the defendant T. J. Edwards thereto argued by counsel, on consideration whereof the court doth adjudge and decree that R. H. Randolph, Blair Pegram, Wm. A. Warren, John Wilson & Wm. A. Stott, who are hereby appointed special commissioners, or that purpose, any three of whom may act, proceed to divide the land whereof Ann McAllister died seized in the county of Isle of Wight containing by estimation 419 Acres more or less lying adjacent to the lands of G. W. Gibbs, Wm. Doyle, & of the heirs of Robert R. Wilson dec'd, into two equal parts, having regard to quantity & quality, & allot one of said equal parts, to C. J. McAllister & the other equal part jointly to Ann E. Harrison wife of Wm. H. Harrison, M. T. Edwards, & T. J. Edwards, setting off the same by metes & bounds & make report to court of their proceedings under this decree.—

M. Alleiendar
v
T. C. Edwards

Decree
Feby Term 1875
to be entered
Geo Bond

Entered (8)

In Isle of Wight Circuit Court, February 9th 1875.

J. J. McAllister & May his wife, William H. Harrison and Anna E. his wife & M. T. Edwards Pltffs.

Against } In Chancery

T. J. Edwards Defr.

This Cause this day came on to be heard on the Complainant's bill, the answer of the defendant T. J. Edwards. And was argued by Counsel: On consideration whereof the Court doth adjudge, order and decree that R. H. Randolph, Blair Pegram, Wm. A. Harrison, John Wilson and William A. Stoll who are hereby appointed Special Commissioners for that purpose, any three of whom may act, proceed to divide the land whereof Ann McAllister died seized in the County of Isle of Wight, containing by estimation 419 acres, more or less, lying adjacent to the lands of R. W. Gibbs, Wm. T. Doyle, & of the heirs of Robert R. Wilson decd: into two equal parts, having regard to quantity and quality, and allot one of said equal part to J. J. McAllister and the other equal part jointly to Ann E. Harrison wife of Wm. H. Harrison, M. T. Edwards, and T. J. Edwards, setting off the same by metes and bounds, and make report to Court of their proceedings under this decree.

A Copy Teste,

C. H. Hart, Deputy for
N. P. Young, Clk:

J. J. McAllister wife et als,

vs. } Ex Chy. Copy of decree

T. J. Edwards –

Feby. term Cir. Ct. 1875.

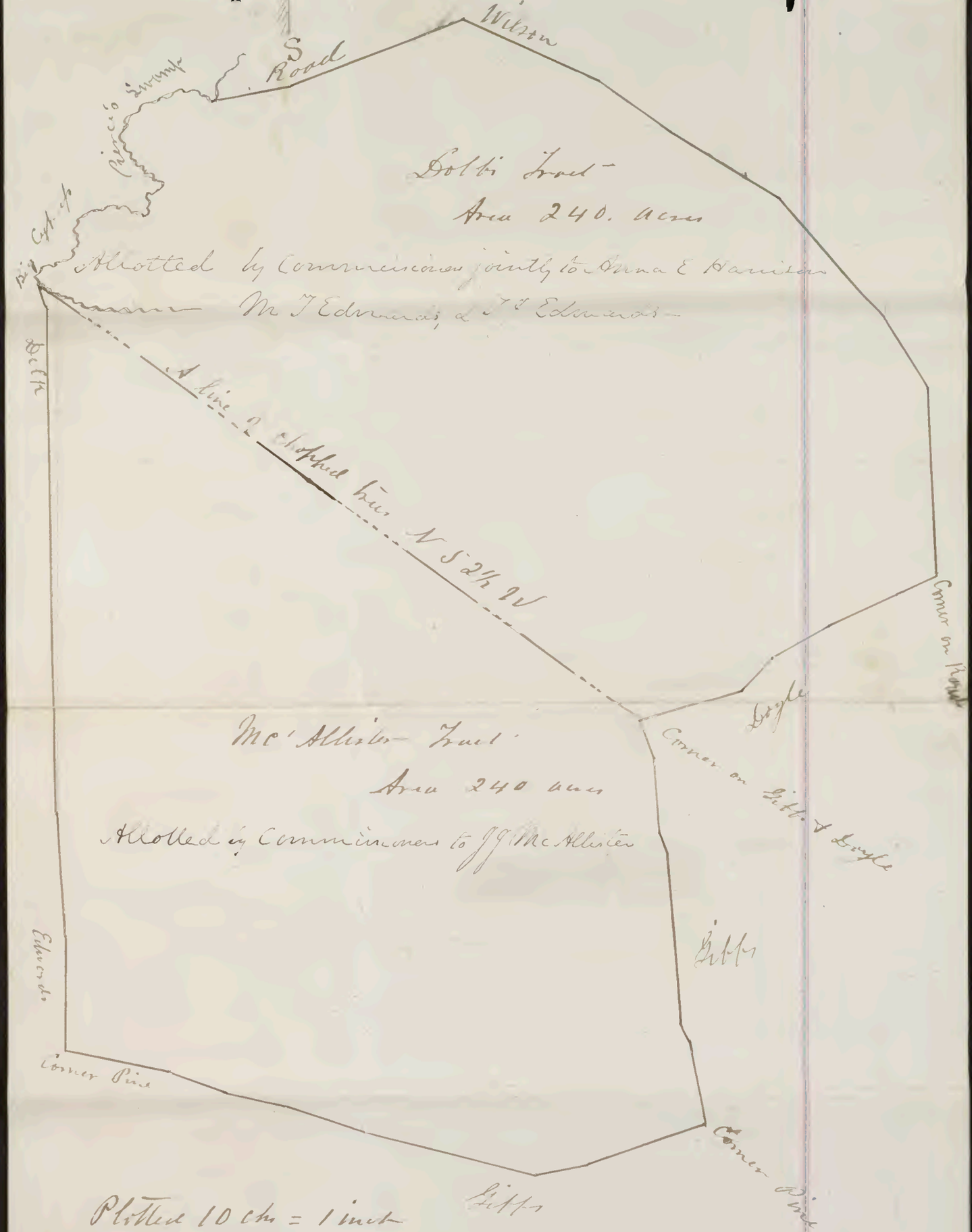
Field Notes

S 74 W. 10.00. chs
S 80 W 4.00
N 75½ W 14.15
N 71 W 6.50
N 76 W 5.70
N 58 W 4.90
N 79 W 8.50
N 01 E 9.10
N 02 W 10.00
N 41.10
N 20 W 2.00 to Big Cypress on branch
S 55 E 1.75
N 50 E 2.25
N 40 E 1.75
N 15 E 1.50
E 2.25
S 63 E 1.75
E 2.50
N 65 E 2.00
N 17 E 1.50
N 30 W 3.25
N 40 W 5.25
N 71 E 5.75
N 79 E 6.50
N 71½ E 14.75
S 65 E 12.00
S 55 E 7.00

S 59 E 10.25
S 39½ E 13.00
S 30 E 6.50
S 01½ E 15.00
S 65 E 3.50
S 68 E 6.00
S 63 W 2.75
S 61 W 2.50
S 46 W 3.25
S 75 W 9.00
S 25 E 3.25
S 02 E 6.00
S 20 E 1.75
S 02 E 13.75
S 25 E 1.25
S 05 E 3.90

Smithfield Va
Sept 2nd 1875

E. M. Mannion
Surveyor


Wilson
S Road
Pierce's swamp
Big Cypress
Dotti Tract
Area 240. acres
Allotted by Commissioners jointly to Anna E Harrison
Mr J Edmunds & Jr Edmunds
Dotti
A line 2 chained bears N S 24½ W
Corner on Road
Doyle
Corner on Dotti & Doyle
Mc Allister Tract
Area 240 acres
Allotted by Commissioners to J J Mc Allister
Dotti
Edmunds
Corner Pine
Corner Pine
Dotti
Plotted 10 chs = 1 inch

To the Circuit Court - Isle of Wight County in Chancery sitting

The undersigned Commissioners for Partition under the annexed decree of said court of February Term 1875 in the suit of J. J. McAllister & Mary his wife, William H. Harrison & Anna E his wife & M. T. Edwards - Pltffs against T. J. Edwards & Deft respectfully report, the court that pursuant to said decree they proceeded to have the land in said decree mentioned of which Ann McAllister died seized in the county of Isle of Wight divided into two equal parts having regard to quality & quality. That to enable them the better to execute said decree the parties employed Col E M Morrison to survey & make the plot of said land hereunto annexed & to make partition of said land as directed by said decree. That your Commissioners allotted the McAllister Tract containing 240 acres as bounded in said plot to J. J. McAllister. That they allotted the Dobbs Tract containing 240 acers & bounded as described in said plot jointly to Anna E Harrison wife of W H Harrison, M. T. Edwards & T. J. Edwards. That the said tract contained

as shown by said plot each the same number of acres & your commissioners are of the opinion that said partition is also equal in value; the inferior quality of the land of the McAllister Tract being by the superior quality of the houses & improvements made equal in value to the better land of the Dobbs Tract.

All of which is respectfully submitted

R. H. Randolph
W. A. Warren
Blair Pegram

McAllister
vs
Edmunds et al

Report of Commissioners in Partition

April 3d 1896 Filed

The Commonwealth of Virginia,

To the Sheriff of ~~Isle of Wight~~ Surry County, Greeting:

WE COMMAND YOU TO SUMMON T. J. Edwards

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the said Court, on the first Monday in February next to answer the Bill in Chancery of J. J. McAllister and Mary his wife, William H. Harrison and Anna E. his wife and M. T. Edwards

~~of a plea of~~ ~~for $~~ , ~~Damages $~~ . And have then there this writ. Witness N. P. YOUNG, Clerk of our said Court, at the Court House, the 8th day of January 1875, in the 99th year of the Commonwealth.

N. P. Young Clk

J. J. McAllister wife vals

vs. } Suit in Chancery

L. J. Edwards

To Feby. Rules 1875

Cir. Ct.

Hayden & Boyhin p.q.

Executed Feby. 1st 1875 at 11.30 o'clk A.M. by delivering a true copy of this sp.a to J. J. Edwards in person.

C. C. Edwards
Shff

In the Recorder's Court Room, Judge
of the Circuit Court of Lake and
Edwards for the County of Lake, Illinois
Chancery sitting.

The answer of
J. J. Edwards to the Bill of Complaint
in said cause filed by J. C. McAlister
et al. against him.

This defendant comes and reserving
all right of exception to the many
errors and imperfections in said
Bill contained for answer thereto, or
to so much thereof as he is advised
it is material or necessary for him
to answer, answering says:
that he admits to be true the allegations
in said Bill contained, that J.
McAlister is entitled to one moiety
and Anna E. Harrison and William
Harrison, W. J. Edwards and wife,
to the other moiety of a tract of land in
the County of Lake and State of Illinois and Anna
McAlister died seized and possessed
containing by estimation 119 acres more
or less, and this defendant joins in the
bar of the Bill for the
J. C. McAlister of one moiety of said
land, and for the allegations of the

other tract of said land points to the said Thos. & Harrison, Wm. Edwards and the defendants; and having opened upon defendant's premises to be determined with the costs in this behalf reasonably expended.

And your defendant will ever pray &c.

Signed. J. H. Edmunds.

State of Virginia to wit:

I, C. H. Tyler, a Justice of the Peace for the County aforesaid in the State of Virginia, do certify that J. H. Edmunds whose name is signed to the above answer personally appeared before me in my said County, and made oath that the facts statements contained therein so far as made of his own knowledge are true, and those contained therein made from knowledge or information derived from others he believes to be true.

C. H. Tyler J. P.

Wm. Walters &c.
vs
J. H. Edmunds

Defendants Answer

To the Honorable George Hoy, Judge of the Circuit Court of Law & Chancery for the County of Isle of Wight, in Chancery sitting

Humbly complaining sheweth to the court your complainants, P J McAllister Mary his wife, W H Harrison, & Anna Eliz his wife late T Edwards, that on or about the day of 186 one Ann McAllister died intestate in the County aforesaid seized & possessed in fee simple of a tract of land in said county, containing by estimation 419 Acres, more or less, adjacent to the lands of R W Gibbs, Wm Boyle & others the heirs of Robert R Wilson dec'd - leaving other heirs at law, the said P J McAllister, Anna E Harrison, formerly Edwards, M T Edwards & T J Edwards, the last three being children & heirs at law of Virginia McAllister, a deceased daughter of said Ann McAllister who intermarried with one Wm N Edwards who has also departed this life -

That the said P J McAllister is entitled to one moiety of the three heirs at law aforesaid of the said Virginia McAllister & the other moiety of said land - That the said parties are anxious to have partition of said land the same being susceptible of partition in kind & to have one lot thereof allotted the said P J McAllister & the other lot to the

said Anna E, M J, & Thomas J. Edwards

Ninth having regard to quantity & quality — That your complainants are without remedy at law, & can only be relieved by the aid of this honorable court of Chancery where matters of this sort are cognizable, to this end your complainants pray that the said Thomas J Edwards may be made a party defendant to this bill & be required to answer the same, & that by the decree of this honorable court commissioners may be appointed to make partition of said land & allot one half thereof to the said C. J. McAlister & one half jointly to the said Anna E. Harrison, M J Edwards & Thomas J Edwards & that such other & further relief may be granted in the premises as to the court may seem meet & may suit the equity of the case your complainants will ever pray &c

Hayden & Bakewell p.q.

Filed, Rules, 1875, Bill & filed. and ctn and of ctn ~~infants~~ infts sol. & Repl. & set for hearing.

Filed. Ct. Sr. for partition April 1876. Final Dec.

Mr Alister & ors
vs
Mr Chancery

T. J. Edwards

Complaint and Bill