

1877-009

Chancery Causes : Charles E. Bunkley vs Monroe Gray & Wm, William Joseph

Isle of Wight County

Bunkley & James Hubbard Bunkley, by &c

Bunkley

Bill is one
for Particular

Gray et al

March Rules 1877 - Bill
Filed - Exec. Exp. & De. misc.

April Rules. Bill taken
for confd. as to the dep.
Gray & wife - And. of infants
by gov. addition filed, and
cause set for hearing.

April 7. De for
partition and assign-
ment of some,

Octo: term 1897/98.
Serial Decree

concern maintaining, and that no other
 churches that shall not be in the
 manner with the members of the
 of the case may, receive the same
 shall be in the
 and for the same reason
 shall be

Charles C.

desires the same to be sold, and
the proceeds distributed among
the parties, in proportion to their, re-
spective interests therein.

By annex conservation thereof, and
forasmuch as your complainant is
without remedy at law, and cannot
be relieved by the aid of this honorable
court of chancery, where matters of
this kind are alone and properly
cognizable, your complainant prays
that the said Mary Gray, formerly
Bunkley, Monroe Gray, Mrs
Joseph Bunkley, & James Hubbard
Bunkley, be made parties defen-
dant to this bill, and be required
to answer the same; that a proper
guardian ad litem be assigned
to infant defendants, to defend
their interests in this suit.

That the said real estate be divided
between the parties aforementioned
entitled thereto, and your complain-
ant portions thereof accreted thins,
and in case the said real estate be
indivisible in thins, that the same
be sold to sell, and the proceeds
thereof be distributed among the
parties entitled thereto, that proper

Gristham & Bunkley. That the said
Gristham & Bunkley, departed this
life some time in the year 1874.

leaving surviving him a widow
Mary Bunkley who has since
intermarried with one Monroe
Gray and two children. Wm
Joseph Bunkley and James Hubbard
Bunkley.

That the said Wm. Joseph and James
Hubbard, are infants under charge
of twenty one years.

That partition was never made of
the said real estate of which

Saml. Bunkley did seize
and possess, among the parties en-
titled thereto, during the life times
of the said Joseph Bunkley and
Gristham & Bunkley. nor since
their said deaths, nor has ever
been assigned to the said Mary Gray
formerly Bunkley widow of the
said Gristham Bunkley.

And your complaint also further
states, that the said real estate is,
as he believes susceptible of partition
amongst the parties entitled thereto.
But if it be not then your complaint

To the Hon Geo Blount, Judge of the
Supreme Court of Law and Chancery
for the County of Lee of the State of
Virginia sitting.

Respectfully coming again
sheweth to the Court, your complai-
ant Charles E Bunkley.

That your complainant's father
Samuel Bunkley, was
in his life time seized and possessed
of certain real estate lying
and being in the County of Lee of
the State of Virginia, adja-
cent to the lands of Joseph Bunkley,
Jr. 18 Whitehead's als, containing
by estimation eight acres more or
less, and being so then seized
and possessed, some time in the
year 1867, departed this life intestate
leaving surviving him your
complainant the said Charles E
Bunkley, William W. Bunkley
and Samuel Joseph Bunkley, his
only children and heirs at law,
That the said Samuel Bunkley
some time in the year 1867, departed
this life intestate, unmarried and
without issue, leaving as his heirs
at law, the said Chas E Bunkley, and

Bunkley

7 2 infants usual

Gray et al

Charles E Bunkley, Plaintiff
against

Monroe Gray and Mary Gray his
wife, Wm Joseph and James Hubbard
Bunkley, the last two infants under the
age of twenty one years, by A. Sprung
their guardian ad litem assigned to
defend them in this suit, defendants.

The answer of Wm Joseph
Bunkley and James Hubbard Bunkley,
by A. Sprung their guardian ad
litem.

These defendants, reserving all
rights of defense to the many errors and
indiscretions in said bill contained, for
as much thereof, or as much thereof as
they are advised it is material or neces-
sary for them to answer, answering say,
that they are infants under the age of
twenty one, and consequently their interest
in the premises is the protection of their
honorable court of Chancery; and
during answer say hence is the ac-
knowledgment with their cost in this behalf
most unreasonably expended.

} Ad ad litem

Wm. and J. N. Buckley
at. $\frac{3}{8}$ In C. y.

Chas. E. Buckley

Answer of infants.
distr. by gov. ad litem.

apl. 2. 1877. Filed.

Charles E. Buckley Complt.

vs. $\frac{2}{3}$ In Chanc.

Monroe Gray & Mary Gray, formerly Mary Buckley,
William Joseph Buckley & James H. Buckley, the
last two infant heirs of Mrs R Buckley decd.

Defcts.

In the Honl. George Blais, Judge of the first
judicial circuit of Virginia.

The joint and separate account of the infant
defendants William Joseph Buckley & James H.
Buckley, infant defendants, by N. P. Young their
guardian ad litem, to the Bill of the complainant
Charles E. Buckley, filed against them & them
in the circuit court of Isle of Wight county.

These respondents, by N. P. Young their genl.
ad litem appointed to defend them in this cause,
for answer to the Bill of the complainant,
aforesaid, say, that they neither admit nor
deny the allegations in the said Bill, but
being infants of tender ages, they submit
their interests to the protection of this Honl.
Court, and pray that such decree, only
may be rendered in the cause as may
conform with their rights, and equity
may require. And having answered
say &c.

(Signed)

Chl. Dns. 1844.

N. P. Young genl. ad
litem.

Chs. E. Bankley

vs. $\frac{2}{3}$ Jams. in
Chuf.

Monroe Gray wife &
als.

/

To March Rls. 1847.
Bogkin fig.

↓

Enuclea by delivering
to the within named
Monroe Gray & Mary
his wife each a true
copy of the within
Summons, Feb 28th 77

R. A. Edwards Depy
For & B Edwards Shff

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON *Mrs. Mary Gray & Mary Gray formerly Mary*
Mary Bunkley, Wm. Joseph Bunkley & James Hubbard Bunkley, the last two
infant heirs at law of Trus. B. Bunkley decd.

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 *March* next to answer *the Bill in chancery*
of Charles E. Bunkley

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 *21st* day of

February 187*4*, in the *1st* year of the Commonwealth.

N. P. Youngclerk.

Bunkley

p } In Chambers

Graywalls

Cour. Report of
Partitions

said road to a ditch the beginning
thence across the road at the gate!
~~thence~~ along the line of Mr Whitledge
to the road. (you can see a report that
they have assigned to the said line
Bunkley the Galloping portion of
the wood land, as follows. Commencing
at a corner pine on the vicous corner
thence along a line of marked trees
down oak on the down bridge trees
thence a line of marked trees to a
chopped tree on the marsh, thence
along a line of marked trees to the
said corner pine the beginning
all of which is respectfully submitted.

Signed

James C & Chapman

Mills & Matthews

P. E. Blackwell

between the lands in these proceedings
the Horn Bridge tract to the Fred
Hodsdens line, thence along said
Hodsdens line to ~~a marked tree~~ ^{a line of marked trees to the ditch}, thence
said ditch to the road, the beginning
one of the lands so assigned said
infants, comes assigned down to
Mary Elray formerly Mary E
Bunkley wife of Gus H Bunkley as
follows, Commencing at a stake on
said ditch in a line with a cedar
in the yard, thence to a pine, thence
along a line of marked trees to a corner
oak on the Horn Bridge tract, thence
along the Horn Bridge line to the
road, thence down said road to
a ditch, thence down said ditch to
the beginning, being one third of
said lands so assigned said infants
having regard to quality & quantity.
The other portion of said lands, ^{being the balance of the land} ~~being the balance of the land~~
comes assigned to Chas E Bunkley,
Commencing at said ditch on Bunkley
Horn road thence down said
ditch to a spruce, thence along
a line of marked trees to the Fred
Hodsdens line, thence along the
said line to the road, thence up

To the Hon Geo Blom Judge of the
Circuit Court of Law and Chancery
for the county of Cole of Mich. is shaw
and sitting.

Bunkley & Gray's The undersigned
R L Blackwell, & H Chapman and
Miss Mathews, commissioners of Partition
under the decree of April Term 1877, in
the suit of Bunkley & Gray et als,
reports to Court that in pursuance
of the annexed decree review of said
terms, your comrs proceeded to lay off
and divide the land in the proceedings
mentioned in accordance with the
terms of said decree. Your comrs assign-
ned to James Hubbard & Wm Joseph
Bunkley infants. Children of Charles W
Bunkley the following portion of said
lands: Commencing at a ditch on the
Cromps Neck Road, thence ^{up} down the
said road to the Horner Bridge tract
of land, thence along the ^{line between} lands in the
proceedings mentioned & said Horner
Bridge tract to an oak corner,
thence ^{in a straight line} to a pine thence to a cypress
thence to a pine, thence to a cypress
a corner, thence down the line of the
wood land thence after assignment
Chas Bunkley, thence down the line

Bunker
2
2 In Chambers
Gray et al

Rough Record
April Term 1877
As the entered

Geo. T. Bled.

(1)
(Ent 1)

And it is impracticable to divide the
said land among the parties aforesaid
or should be of the opinion that the
interest of the said parties would be
promoted by a sale of the whole or a
part thereof, in such case they are
required to report the facts upon which
this opinion is based to the court,
and also what in their opinion is
the true value of the said real
estate, and in either case they are
required to report to court their pro-
ceedings under this order.

into two equal parts having regard
to quantity and quality, and assign
one of said equal parts to Charles E
Bunkley, of the other moiety or equal
part of said land the said commis-
sioners shall proceed to enow Mary
Gray formerly Mary Bunkley late
widow of Enoch Bunkley, and
assign to the said Mary Gray formerly
Bunkley, by metes and bounds for
her dower therein, or third of said
remaining moiety having regard
to quantity and quality, and subject
to said dower shall divide the said
remaining moiety of said land into
two equal parts, one of
said parts they shall assign to Wm
Joseph Bunkley and the other of said
parts they shall assign to James
Hubbard Bunkley, and if the said
commissioners should be of the opinion
that the interest of the infants Wm Joseph
and James Hubbard would be promoted
by laying off their shares together and
that partition can be conveniently
made that may they shall make report
to court, with the reasons for their opinion.
But if the said commissioners should

Chas. E. Bunker, Plaintiff

against

Monroe Gray and Mary Gray his
wife, Wm. Dresh and James ^{Bunker} Hubbard,
the last two infants under the age of twenty one by
N. O. Young their guardians ad litem,
assigned to defend them in this suit
defendants.

This cause came on this day to
be heard upon the bill taken for
confessed as to the adult defendants,
the answer of the infant defendants
by N. O. Young their guardians ad
litem, with replication thereto, and
was argued by counsel, on considera-
tion whereof the court doth as judge
order and decree that Wells Matthews
Robert Blackwell Chas. E. Jordan, John
W. Chapman and James A. Chapman, who
are hereby appointed commissioners for
that purpose, any three of whom may
not proceed to lay off and divide the
real estate in these proceedings mentioned
of which Chas. E. Bunker doth
seize and possessed of one moiety,
the said land containing by estimation
80 acres be the same more or less, ad-
joining the land of Joseph B. Jordan
Wm. B. Whithead et al.

Chas. E. Buckley
or copy of
of Decree

Guy and wife chas.
"

April term civ. ct. 1877
7

R. E. Boykin

parts, having regard to quantity and quality; and assign one of said equal parts to Chas. E. Buckley of the other moiety or equal part of said land, the said Commissioners shall proceed to endorse Mary Gray, formerly Mary Buckley late widow of Trust. B. Buckley, and assign to the said Mary Gray, formerly Buckley, by metes and bounds, for the dowry therein, one third of said remaining moiety, having regard to quantity and quality, and subject to said Dover, shall divide the said remaining moiety of said land into two further equal parts, one of said parts they shall assign to William Joseph Buckley, and the other of said parts they shall assign to James Hubbard Buckley; and if the said Court should be of the opinion that the interests of the infants William Joseph and James Hubbard would be promoted by buying off their shares together, and that partition can be conveniently made that way, they shall make report to Court with the reasons for their opinion. But if the said Court should find it impracticable to divide the said land among the parties aforesaid

or should be of the opinion that the interests of the ^{sd.} parties would be promoted by a sale of the whole, or a part thereof, in such case, they are required to report the facts upon which their opinion is based to the Court, and also what in their opinion is the fee simple value of the said real estate, and in either case they are required to report to the Court their proceedings under this decree.

A Copy

Teste.

W. A. Edwards D.C. for
N. S. Young Clerk

Belofthigh Court. April 20th 1877.

Charles E. Bunkley

Pltff

against J. In Chancery
Morrise Gray and Mary Gray, formerly
Mary Bunkley, William Joseph Bunkley
and James H. Bunkley. The last two
infant heirs of said Bunkley decd: Defts.
This cause came on this day to be again heard
upon the bill taken for confessed, as
to the adult defendants. The answer of the
infant defendants by N. J. Young their
guardian ad litem, with replications
therein, and was argued by counsel, on
consideration whereof the Court doth adjudge
order and decree that Miles Martin
Robert Blackwell, Charles E. Jordan, John
H. Chapman and James A. Chapman
who are hereby appointed counsel for that
purpose, any three of whom may act,
do proceed to lay off and divide the real
Estate in these proceedings mentioned,
of which said Bunkley decd, seized
and possessed of one moiety; the said
land containing by estimation 80
acres, be the same more or less, adjoining
the lands of Joseph B. Hodson, William
B. Whitehead & also, into two equal

Barnes

p

In Memory

Gray et al

Rough Record
Oct Term 1877
To be entered.

Geo. T. Brown.

(Entered 25)

assigned to the said Chas E. Bunker
reporters of the well and boundary
as follows "Commencing at a corner
line on the river down, thence along
a line of marked trees to an oak on
the Horn Bridge tract, thence along
a line of marked trees to the said
corner line the beginning, it is
adjudged ordered and decreed that
the said lot of the ^{said} Commissioners be
confirmed, and that the partition in
manner and form aforesaid made, be
held firm and stable.

And it is ordered that the costs of this
suit be proportionably borne by the
parties thereto.

And nothing further remaining to
be done herein, it is ordered that this
suit be dismissed from the docket.

tree, thence a line of marked trees to the
ditch, thence up said ditch to the
road the beginning, and that the said
court out of the lands so assigned
said infants, assigned her dower
to Mary O'Gray formerly Mary O'
Bunkley, wife of Christopher Bunkley
dec'd. Commencing at a Stobrow said
ditch in a line with a cedar in the
yard, thence to a pine thence along
a line of marked trees to a corner
oak, on the Horn Bridge tract, thence
along the Horn Bridge line to the
road, thence down said road to a
ditch, thence down said ditch to the
beginning, and the said Commission-
ers having assigned to the Plaintiff
Wm O'Bunkley the other moiety of
said lands, "Commencing at said
ditch on Burns Neck road, thence
down said ditch to a pear tree,
thence along a line of marked trees
to Melrose Woodside line thence
along said line to the road, thence
up said road to a ditch the beginning,
thence across the road at the gate, along
the line of Wm Whithell to the
road, and the said court having

Bunkley & Gray et al.

This cause came on this day to be again heard, upon the papers formerly read, and upon the report of R. B. Blackwell, J. A. Chabam and Miss Mathews, three of the court appointed by the decree therein of June Term 1877, of the partition of the land in these proceedings mentioned among the several parties entitled thereto, agreeably to the terms of said decree, and was argued by counsel, on consideration whereof, it appearing to the court that one moiety of said land was assigned to James Hubbard Bunkley and Wm Joseph Bunkley infant children of ~~Tristram~~^{Tristram} Bunkley, bounded as follows, "commencing at a ditch on the Brewers Neck road, thence up the said road to the Heorn Bridge tract, thence along the said Heorn Bridge line to an oak corner, thence a straight course by a line of marked trees to a pine corner thence down the line of the wood land hereinafter assigned Chas E Bunkley thence down the Heorn Bridge line to Meffers Heoradustine, thence along said Heoradustine to a marked