1979-013 Chancery Causes; Archibald Atkinson's, extor vs Robert T. Delk + al

Isle of Wight County

other surnames: Shelly, Shelley, Frazier, Ellis, Young

Atkinson's Exrs
vs
Jn Clay.
Bill & Exhibits

March Rules 1848.
Bill &c filed - summ. issd
& returned vs. adult defts.
Edm. ad litem appd to the
infant defts. Ans. & filed &c

Apl. Rules, 1848. Bill
taken for confd. as to the
adult defts. & set for hearing -

Apl Ct. 1848
Dr. to assign Land warrant
12364 to A. Atkinson Exrs of
A. Atkinson decd.

Oct. Ct. 1848. Continued

Apl. Ct. 1849. Final Dec.

your orator may have such other further and
general relief as the nature of his case may
require or to equity shall seem meet. And
your orator will ever pray &c.

Geo. Wilkinson Esq.

and by said will authorized your orator to sell any and all of his lands as your orator might deem best for the interest of said estate. That on the 7th day of February 1877 there issued from the office of the Commissioner of Pensions aforesaid a duplicate copy of said warrant, that the said copy being in the name of the said Joseph Shelby is worthless unless assigned to your orator as executor aforesaid by the laws of the said Joseph Shelby and the said James S. Welk, Stephen D Welk and Charles M. Welk being infants under the age of twenty one are unable and incapable to make such assignment. Your orator therefore considering that forasmuch as your orator is remediless in the premises save by the aid of a court of equity where matters of this kind are alone and properly cognizable your orator prays that the said Robert R. Welk, J. C. Teague and Sina P his wife, Saul B. Welk Bolling Ellis and Lorenzo J. C. his wife Robert R Welk James S Welk Stephen D Welk and Charles M Welk the last three of whom are infants as aforesaid may be made defendants of this bill and that they be required to answer the same (the infants by a guardian ad litem to be assigned them) fully and particularly and that the said copy of said warrant be assigned to your orator as executor aforesaid and that

To the Honorable Seaton Blow Judge of the Circuit Court of Isle of Wight County.

Humbly complaining, sheweth unto your honor your orator, Archibald Atkinson executor of Archibald Atkinson deceased that on the 10th day of December 1850 there issued from the office of the Commissioner of Pensions of the United States of America a warrant numbered 12,362 authorizing Joseph Shelley to locate one hundred and sixty acres of land at any land office of the United States That the said Joseph Shelley afterwards sold and assigned the said warrant for value received to Archibald Atkinson your orator's testator; which warrant was afterwards lost or stolen, that the said Joseph Shelley has since departed this life leaving as his only heir at law Nancy Belk the wife of Robert T. Belk that the said Nancy Belk has also departed this life leaving as her only heirs at law Nancy P. who has intermarried with F. A. Frazier Saml B. Belk Lorena J. C. who has intermarried with Colin Ellis, Robert M. Belk James A. Belk Stephen B. Belk and Charles W. Belk the last four of whom are infants under the age of twenty one years. That the said Archibald Atkinson has also departed this life, after having made and published his last will and testament and appointed your orator the executor thereof*

* of the said will, copies of which are filed herewith as exhibits

Arkansas Co

07

Delk Father

Infants Answer

The joint and several answers of James S Delk, Stephen B Delk and Charles W Delk by A P Young their guardian ad litem appointed by the court to defend their interest in the suit to a bill of complaint exhibited against them and others by Archibald Atkinson executor of Archibald Atkinson deceased in the Circuit Court of Wake of Wright County

The said defendants severally for answer all right of Stephen of the said complaint for answer thereto Saith that they are infants under the age of 21 years & are of tender age to know any thing of the allegations of said bill, and submit their interest in the matter to the honorable court. And having answered pray hence to be dismissed &c

A. P. Young guardian ad litem

A. Atkinson's Exrs

vs. [illegible]

No. 7. Delk et als.

16 March Rules 1875.

E. H. Atkinson Pltf

Ejectment on
the written Agreement
Dated March.
15th. 1875.

L. B. Edwards
Pltf's Att'y

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON Robert T. Delk, J. T. Faison & Jane P. his wife, Saml. P. Delk, Bolling Ellis & Dorsey G. E. his wife, Robert R. Delk, James J. Delk, Mahlon B. Delk & Charles H. Delk, the last three of whom are infants

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 fist Monday in March next to answer a certain bill of complaint of Archibald Atkinson executor of Archibald Atkinson dec'd.

of a plea of ~~Trespass~~ for $ ~~Damages~~ $ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Court House, the 7th day of February 187 , in the 101st year of the Commonwealth.

N. P. Young C.C.

The deposition of N. D. Young taken This 20th day of April 1878 before me a Commissioner in Chancery of the Circuit Court of Isle of Wight County to be read as one Dower in a Suit in Chancery pending in said Court wherein Archibald Atkinson executor of Archibald Atkinson Complt. and Edward D. Atkinson & others Defendants

N. D. Young being duly sworn deposeth and saith That he acted as agent for Joseph Shilly in obtaining a land Warrant for 60 acres of land for his services in the war of 1812 and That the said Joseph Shilly sold the said warrant to the said Archibald Atkinson now deceased and made an assignment thereof to the said Atkinson he has heard the said Atkinson say that he had lost the said warrant. And further this deponent saith not

N. D. Young

Sworn to before Robert R. E. Boykin Comm'r in Chancery of Isle of Wight Circuit Court the 20th day of April 1878.

R E Boykin Com'r

I acknowledge receipt of a notice of the taking of this
within deposition

A. P. Young for self

Attorney Gen

Ref Lab

Bonus Refund.

To the Circuit Court of Hart County

The undersigned Commissioner appointed by Order of said Court in
Order of the [illegible] 18[illegible] to [illegible]
in the case of Aitken vs Aitken &c &c and [illegible]
and Robert Peck and who is [illegible] to make [illegible]
to the said Aitken vs Aitken &c &c and [illegible]
[illegible] Report to the Court that he has [illegible] and Returned
the said Court Warrant to the Clerk's office [illegible]
[illegible] Costs;

All of which is respectfully submitted

[illegible]

Atkinson Esq

Dr

Bell Telephone

Office Rent

Rheumatism

Geo. Howe

Enclosed 14

Atkinson Ex^r Plaintiff

vs

Polk & others heirs at law of Joseph Kelly Defendants

This cause came on this day on the dilatory motion for exparte by the defendants Robert R Polk & Benjamin Polk his wife and Robert R Polk, on the answers of the infant defendants Samuel Polk, Stephen B Polk and Charles W Polk by their guardian ad litem, the depositions of witnesses and exhibits filed and was argued by counsel. On consideration whereof the court doth order & decree that Gerrard Atkinson who is hereby appointed a commissioner for that purpose do convey to Archibald Atkinson Ex^r of Archibald Atkinson deceased the appurtenant of the Land Warrant No 12364 in said proceeding mentioned and make report to court of his proceedings under this decree

A Minimum Error

Pi

Neil Hall

Rhone

Alpine Tunnel 8va

Hereford

Geo. Bloss.

Euclid 11

A. B. Williams &c

vs

Bell & als

Defendants

This cause came on this day to be argued upon the papers heretofore read and on the report of Commissioner Underwood dated of March Term 1878 and was argued by counsel. On consideration whereof the Court doth confirm the said report & decree no exceptions were filed and it appearing to the Court that there is nothing further to be done herein it is ordered that this cause be stricken from the docket

acknowledged a bond in the penalty of $12000.00 with condition according to law, Certificate of probate is granted him on said will in due form, the estimated value of the estate being six thousand dollars. The requisite United States Revenue Stamps amounting to $3.00 " in the bond an abbinet remained. Ordered that said bond be recorded.

A Copy

Test. W.A. Edwards C.C.

for N.D. Young C.C.

Recorded.

Exhibit A

Affidavit & Bond & Copy of Certificate of Qualification & Order appointing Admr. recorded

In the County Court of Isle of Wight
County — January 5th 1872.

The last will and testament of
Archibald Atkinson Sr. dec'd. together
with three codicils thereto were presented
in Court for probate, and the said will
was proved by the oaths of S. G. Boykin
and Jas. P. Andrews. the subscribing
witnesses thereto; and there being
no subscribing witness to the said
codicils, S. G. Boykin was sworn, &
deposed that he is well acquainted
with the handwriting of the said
testator, & verily believes the said three
codicils, & the name thereto subscribed
to be in the true hand writing of the
said testator, and thereupon the said
will and the said three codicils
thereto attached are ordered to
be recorded as the true last will
and testament of the said Archibald
Atkinson Sr. dec'd. And on the motion
of Archibald Atkinson Jr. the executor
named in said will, who made
oath and together with Elizabeth
A. Atkinson, Marietta Wise, and
Anna H. Atkinson his securities
who justified entered into and