

1882-014 Chancery Causes. Edward R. East vs John W. East, Rachel East v d

Dale of Wright County

Other surnames: Jordan,
Eley, Wood, Ewing, Parker
Ewell, Bunkley, Chapman

H. L. Sch. pg.

East

vs. $\frac{3}{4}$ Bill

East Sals.

Apl. Reels 1843 1 Reel
Filed & show nisi

May Reels - set for
returning 5.

May 23^d 1843 Repts. filed.

July, ch. Reels for sale.

Writ term 1882

trucked from the docket.
under the 7 year law.

That your Honor will make
a decree directing a sale
of the said tract of land and
the distribution of the proceeds
of sale among the parties entitled
according to their respective
rights and interests therein.

1
Grant the Complainant's writ
of Subpoena Comd 9 se, and
all such other & further aid and
relief as equity - and good
conscience may dictate and
as in duty bound your
orator will ever pray.

Attest
W. B. Rogers.

entitled according to their respective rights.

In the end thereof and that justice may be done, and inasmuch as your orator is without remedy in a court of law, and relies only in a court of equity, where such matters are properly cognizable; he prays that the said Jno. W. East; William B. East; Henry T. East; Jno. T. Wood and Mary Virginia, his wife; George Wood & Marysack S. his wife; Lemuel Ewing and Cordelia T. his wife; George East; Susan A. East; Rachel East; and E. L. Ewing administrators with the will annexed of the said Richard East, may by proper process be made parties defendants to this bill, and compelled to answer its allegations, the adults in proper person and the infants by guardian ad litem as fully and completely as if they were here again represented and they thereupon specially impleaded.

conferred upon it will direct
a sale of the said tract of
land if it manifestly appears
that the interests of the parties
entitled will be promoted thereby.

Your orator represents that
the said tract of land has
depreciated and will continue
to depreciate in value as long
as it is rented out; that the
timber growing thereon has been
very much destroyed; the fencing
has been permitted to go down,
and the buildings are becoming
year by year more and more
dilapidated.

That partition of the said
tract of land cannot be con-
veniently made in kind, that
no party will accept the entire
subject and pay therefor to the
other parties such sums of money
as they may be entitled to, and
that the interests of all the parties
will be promoted by a sale
of the said tract of land,
and the distribution of the
proceeds of sale among those

the remaining two-thirds, proceeds
of sale I wish Equally divided
between my children Henry T.
John M., Edward R., Mary V.
William P. Cordelia F., Susan A.,
Margaret S., and George H.
to them and their heirs forever."

Your orator represents that
the tract of land referred to in
the foregoing paragraph of
which the said testator died
seized and possessed is sit-
uated in the County of Isle of
Wight on Ragged Island near
James River adjoining the lands
of Henry R. Parker and others &
consists of Two hundred & Seventy
Eight acres, more or less.

Your orator is advised
that although it may be
inferred from the language
employed by the testator
in the paragraph above
quoted that he contemplated
that ^{the} said tract of land should
not be sold until his youngest
child had attained the age of
16 years, yet a Court of Equity
will in the exercise of the power

this County. A duly certified copy of the said will marked A is herewith filed and prayed to be taken as an exhibit in this case.

That Jas. P. Jordan, ^{the} executor named in the said will having resigned the said trust, the estate of the said decedent was on the day of in the year 18 committed to E. L. Eley as Sheriff of Dele of Wyo. Co. to be administered according to law.

By reference to the IV paragraph of the said will it will be seen that the said testator provided as follows: "It is my wish that if in the judgment of my wife Rachel East and my executor herein after named, it should be best to sell my farm, after my youngest child shall have arrived at the age of 16 years, then I desire it to be sold, and one-third of the interest of the sale thereof I give to my wife during her life, and

To the Hon. Jas. R. Atkinson, Judge
of the County Court of Isle of Wight.

Humbly complaining sheweth to
your Honor, Your orator, Edward
R. East.

That on the day of
in the year 1866, the late Richard
East, departed this life, leaving
surviving him his widow, Rachel
East, and the following named
children, to wit, Your orator,
John W. East, William P. East, Henry
T. East, ^{Mary} Virginia East, who has inter-
married with J. T. Wood, Margaret
S. East, who has intermarried
with George Wood, Cordelia F.
East, who has intermarried
with Lemuel Ewing, George East,
and Susan A. East, the last two
of whom, are infants under
the age of twenty one years.

That the said Richard East
made and published his last will
and testament, bearing date
the 26th day of September 1863,
which has been duly admitted
to probate, in the County Court of

Carl-

by

Carl & others.

Answer of
Defendants.

spective rights and interests.
They believe that the value of
the said tract of land will be
greatly diminished by being
rented out from year to year,
and that the interest of all the
parties interested will be pro-
moted by a sale of the same.
And now having fully ascertained
they pray to be hence discharged
with their reasonable costs in
this behalf expended.

John J Wood
and Mary V his Wife
William T Euell and Cordelia
his wife
George W Wood & Margaret his wife

The Answer of ~~Rachel Cook~~, John T. Wood
and Mary Virginia his wife, George
H. Thode and Maryann S. his wife,
Samuel Ewell and Cordelia T. his wife,
~~John T. Cook and William S. Cook~~
to the bill of complaint exhibited
against them and others in the County
Court of Isle of Wight by Edmund
R. Eash. And the said defendants
saying and reserving to themselves
the benefit of all proper exceptions
to the said bill for answer thereto
or unto such parts as they are
advised it is material for them
to answer, Answer and say:
They admit the allegations of
the plaintiff's bill to be true, and
are willing that the Court shall
decree ^{as a sale} of the said tract of
land and the distribution of
the proceeds of sale, among the
parties according to their res-

Part

17

Part of the
Answer of
Infants

The answer of Geo East and Susan A. East
infants under the age of twenty one years by
H. P. Young their Guardian ad litem to the
Bill of Complaint exhibited against
them and others by Edward R. East.

And the said defendants for answer
say that they are infants under the age
of 21 years and by reason of their tender
age cannot be presumed to know
their rights in their possessions. They
therefore submit them to the protec-
tion of the Court:

George East
Susan A. East.

by
H. P. Young
Guardian ad litem

to secure to her a comfortable support.
And now having fully answered the design
to be thus dismissed with her reasonable
costs in this behalf expended.

Rachel East.
by
Ingoode &
her atty.

Est. East

Rachel East
Xollers

Answer of
Rachel East.

East

vs.

East & others

The answer of Rachel East to the Bill of Complaint exhibited against her and others in the County Court of Isle of Wight by Edward R. East. And the said Defendant saving and reserving unto herself the benefit of all proper exception to the said Bill answers and says.

This Defendant admits the allegations of the said Bill to be true and is willing that the said tract of land may be sold according to the prayer of the Complainant if the sum of three thousand dollars can be realized for the same. And if that sum cannot be obtained, she is willing that the said tract of land may be sold for whatever price it will bring at public auction, provided the purchaser is required to pay to her during her life the sum of seventy five dollars or provided the other parties to this suit will agree to contribute such sum or may be necessary together with the interest on one third of the proceeds of sale

Executed by delivering to the within
named J. F. Buntley 14 R Parker. D. D. P
Jordan a true copy of this Summons. May
13th 1893
L. R. Edwards D O

E. R. East

3 Sum. for
C. C. C. C.

Am. W. East for.

So 23d May 1893.

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight—Greeting:

WE COMMAND YOU TO SUMMON

*John T. Brinkley, Henry W. Parker
and James P. Jordan*

to appear before *no A. P. Young* Commissioner of the *County* Court of the County of Isle of

Wight, at the Courthouse, on the *23^d* day of *May* 187 *3*, to testify and the

truth to say in behalf of *E. W. East*

in a certain matter *in chancery before said Court* pending and undetermined, between *said E. W. East*

Plaintiff,

and *John W. East & als.* Defendant,

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

Witness, N. P. YOUNG, Clerk of our said Court, this *13th* day of *May* A. D.

187 *3*, in the *9th* year of the Commonwealth.

N. P. Young Clerk

East

(20. $\frac{3}{4}$ Serm. in Chh.

East & als.

Sept. 18th 1870
Horton G. East & Chaplain
129.

Executed this 14th day of
Mar 1870 by delivering up
her of to Corbelia Ewing
in 5 wrot In W East
W P East & 2 wrot
Mar 5 wrot. Susan a
East & Rachel East
over

& chob finding her
wrot & Simual Ewing
at their usual places
of abode delivered up
her of to Corbelia Ewing
& in 5 wrot they being
ministers of their family
and above the age of
16 years

Wm Parr Dfr
for the J. C. P. M.
Supt. City of
Concord

The Commonwealth of Virginia,

Norfolk City

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—GREETING:

We command you to summon *John W. East, William P. East, John S. Wood and Mary Virginia his wife, George Wood and Margaret S. his wife, Samuel Wright Cordelia S. his wife, Susan A. East and Rachel East*

to appear at the Clerk's Office of the *County* Court of Isle of Wight County, at Rules to be holden for the said Court, on the first Monday in *April* next to answer *the Bill in Chancery of Edward W. East*

And have then and there this writ.

Witness, NATHANIEL P. YOUNG, Clerk of our said *County* Court, at the Courthouse, the *8th* day of *March* 18*73*, in the *9th* year of the Commonwealth.

N. P. Young Clk.

East

2 Shurs in
W. O. Day.

East et al.,

To Wm. H. H. 1873.

Hinton, George & Chapman

124

Executed on Henry D East Mar. 12, 1873
by delivering to him a copy of the within spec
in Chancery. and Executed as to Geo East the same
day by calling at his usual place of abode
and not finding him there by delivering to a
white member of his family of lawful age a
copy of the within spec in Chancery and explaining
the purport of the same

L. P. Winston del
for W. H. Wright scd

The Commonwealth of Virginia, *Richmond City*
 TO THE SHERIFF OF ~~ISLE OF WIGHT COUNTY~~ GREETING:

We command you to summon *Henry J. East and George East*

to appear at the Clerk's Office of the *County* Court of Isle of Wight County, at Rules to be holden
 for the said Court, on the first Monday in *April* next to answer *the Bill in*
chancery of Edward R. East

And have then and there this writ.

Witness, NATHANIEL P. YOUNG, Clerk of our said *County* Court, at the Courthouse,
 the *8th* day of *March* 18*78*, in the *9th* year of the
 Commonwealth.

N. P. Young Clerk.

Legal services acknowledged

6/14/75
C. F. Chapman, Esq.
Rd. East

East

Sum. in
Chq.

East, Ref. sal.

to Appl. Rules 1873
H. G. R.
pg.

Defence

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—GREETING:

We command you to summon *John W. East, William P. East,*
Henry J. East, John F. Wood and Mary Virginia his wife,
George Wood & Margaret his wife, Samuel Ewing & Cordelia his wife, George East,
Susan A. East, Rachel East & E. J. Chapman Shff. admt. de b'm. mon. of Wm. East

to appear at the Clerk's Office of the *County* 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 Edward S. East

And have then and there this writ.

Witness, NATHANIEL P. YOUNG, Clerk of our said *County* Court, at the Courthouse,
 the *8th* day of *March* 18*43* in the *9th* year of the
 Commonwealth.

N. P. Young Clk.

East
no. } affdct. of
N. K. Parker

East talr.

dis a disadvantage to her. That
he knows of no one of the
kind who is willing to take
the whole subject and pay
to the other parties, what
their interest, in title there
to. That his reasons for believing
that said land cannot be
divided in kind are, that
to divide the tract into nine
shares would render the re-
spective shares of much
less value than their amount
in trees would amount to.

Henry R Parker

Taken and subscribed to before
me, the 13th day of May, 1843.

A. J. Young Const.

Henry R Parker appeared before
one H. P. Young, a commissioner in
chancery of the County Court of Isle
of Wight, and being duly sworn,
says that he is well acquainted
with the land whereof Richard
East died seized & possessed, in
the County of Isle of Wight and which
is now held by his heirs. That he
thinks said land sold out and
out is worth £2000.⁵⁰ That he is
of opinion that the said land
can not be divided amongst
the heirs, in kind, without great
injury to them. That it would
be a decided advantage to
all the heirs, to sell the land
& divide the proceeds, except the
worsens but that it would be a

into so many shares could render them
of but little or no value.

John D. Buckley

Given and subscribed this day & year aforesaid
before me by Jas. T. Buckley.

J. T. Buckley Secy.

Cost

Off. of J. D.
M. & Buckley

Cost lots.

An this 2^d day of May, 18th/4, before me,
J. O. Corry, a commissioner in chancery of
the County Court of Isl of Wight County, personally
appeared John P. Buckley and being duly
sworn deposes and says, that he resides
near to and is well acquainted with the
laced return of Richard East died seized
and possessed and now held by his widow
Rachel East and his children, Edward
W. East & others. That he considers the fee
simple value of said land to be \$2500. or
if sold out and out, and the annual
value \$225. 00. That he does not believe
partition of the same can be conveniently
^{without disagreement to the parties}
made, that he knows of no one of the parties
entitled who will accept the entire subject
and pay therefor to the other parties such
sum of money as their interests therein may
entitle them to, nor does he believe that any
one of said parties can do so. That he believes
it would be to the interest of all the parties,
except the widow, to sell the land out and
out as it is appraised in value from
and her intent would be provided if she attempted to acquire the terms in
this agreement being rented out any year. That it would be
a disadvantage to the widow, Rachel East, to
sell the up to tract including her dower, which
except upon the terms proposed above
has been assigned to her, because the rent of the
dower yields her more income than she would
derive from her portion of the gross sale.
That his reason for believing it a disadvantage
to ~~make~~ make partition of said land
is, that there are minor children who
are entitled and to cut the pie up



A. D. Young Esq.
Cole & Knight Co.
Virginia.

Savannah Ga. July 21st 1878
A. T. Young Co.

Dr Sir,

I have inquired
from all the heirs. They say that
share is one Hundred Dollars. owing
us for the year of 1873 which
is for the rent of the Farm
Yours Respectfully
W. L. East

#167 James B. H.

promoted if the other parties agree
to the terms of her consent as set out
in her answer filed in the cause.

Given under my hand as Commissioner
of said Court, the day and year first
aforesaid.

N. P. Young Comr.

Cont. fee . . .	4.00
Wits. Buckley	1.38
Wits. Parker	.78
Shff.	.60
	<u>\$6.76</u>

East

3 Corns. Rept.

3. under term of

Mar. 1873.

East 24,

Mar 24. 1873

paid.

Commissaries Office, Isle of Wight
Court House, May 24th 1843.

To the County Court of Isle of Wight County.

Pursuant to a decree of the said Court, rendered on the 5th day of May, 1843, in a suit in Chancery therein depending between E. W. East plaintiff: and Geo. W. East &c. defendants. Your commissaries reports to the Court that, after giving notice to the parties interested, and upon the examination of witnesses before him, he finds the fee simple value of the land in the proceedings mentioned to be \$2500. 00 including the ~~and~~ dower interest of Mrs. Rachel East widow of Richard East therein, and the annual value of the same \$225. 00 - That partition of said land cannot be conveniently made, because there are nine parties entitled thereto, exclusive of the widow, and to divide the tract into so many shares or parcels, would render each share comparatively worthless. That the entire subject cannot be allotted to any party, as there is no one of the parties who is able to accept it and pay therefor to the other parties such sums of money as their interests therein would entitle them to. That the interests of all the parties, except the widow, would be promoted by a sale of the entire subject & division of the proceeds, and that the interests of the widow will likewise be

pay therefor to the other parties such sums of money or their interests therein may entitle them to and also whether the interests of those who are entitled to this subject or its proceeds will be promoted by a sale of the entire subject or allotment of part and sale of the residue. And the said Commissioner is directed to make report to Court with any matter specifically stated deemed pertinent by himself or required by any of the parties to be so stated.

Earle

7
Earle & others

Deane
May term 1899

Sum. term 9. 124
Mar. term 9. 124
Apr. term 9. 124
May term 9. 124
June term 9. 124

Entered

Edward R. East

47

In chy.

Rachel East & others.

On motion of the Plaintiff it is ordered
that A. P. Young be assigned as guardian
ad litem to the infant defendants George
East and Susan A. East. Whereupon this
Cause came on this day to be heard upon
the Bill of the Plaintiff taken for Confess-
ed as to the defendants, ^{E. J. Chapman a son of Rachel East} John W. East, Will-
iam P. East and Henry T. East, the
answers of the adult defendants Rachel
East, John S. Wood and Mary & his wife
Geo. W. Wood and Margaret his wife
William S. Enell and Cordelia his wife
and of the infant defendants Geo East &
Susan A. East by A. P. Young their Guardian
ad litem with general replication to the
said answers and was argued by Counsel.
On Consideration whereof the Court
doth adjudge, order and decree that it
be referred to A. P. Young as Commissioner
of this Court to ascertain and report
what is the fair value and annual value
of the tract of land in the Bill and proce-
dings mentioned and also whether partition
of the same can be conveniently made and
if not - whether the entire subject may be
allotted to any party who will accept it and

the Court doth adjudge, order & decree that it be referred to W. P. Young as Commissioner of this Court to ascertain & report to Court what is the fee simple and annual value of the tract of land in the Bill of proceedings mentioned, and also whether partition of the same can be conveniently made, & if not whether the entire subject may be allotted to any party who will accept it & pay therefor to the other parties such sums of money as their interests therein may entitle them to, and also whether the interests of those who are entitled to the subject, or its proceeds will be promoted by a sale of the entire subject, or allotment of part, & sale of the residue, And the said Commissioner is directed to make report to Court with any matters specially stated deemed pertinent by himself or required by any of the parties to be so stated,

Copy, Leste,

Oct 14, 1866

E. R. R. R.

Copy decree

Wm. & Mary Co., Va., 1843

and also,

In Isle of Wight County Court, May 5th 1873.

Edward R. East

Plff.;

vs.

J. & L. Young;

Geo. W. East, Wm. J. East, Henry J. East,
Jno. J. Wood & Mary V. his wife, George
Wood & Margaret J. his wife, Samuel
Ewing & Cordelia H. his wife, Geo. East,
Susan A. East, Rachal East, & E. Chapman
Sheriff & Adm^r de bonis non of East
deceased

Defts.

On motion of the plaintiff, it is ordered
that W. J. Young be assigned as guardian ad
litem to the infant defendants George
East & Susan A. East, whereupon this cause
came on this day to be heard, upon the bill
of the plaintiff taken for confessed as to
the defendants E. J. Chapman Adm^r of
Richard East, Jno. W. East, Wm. J. East
& Henry J. East, the answers of the adult
defendants Rachal East, Jno. J. Wood &
Mary V. his wife, Geo. W. Wood & Margaret
his wife, Wm. J. Ewell & Cordelia his wife,
of the infant defendants Geo. East & Susan
A. East by W. J. Young their guardian ad
litem, with general replication to the
said answers. And was argued by coun-
sel; On consideration whereof

Comm. J. Allen, Isle of Wight C. H.

May 13th 1848.

The parties interested in the annexed deed
are hereby notified that I have fixed upon
the 23^d day of the present month to make
the enquiry and report thereby required.
At which time and place they are required
to attend.

Given under my hand as Commissioner of
said Court the day & year first above said.

J. P. Young Comm.

I acknowledge service of the above notice
for all the parties interested.

Edward R. Coit

11

John W. East
Luther.

Sever
John W. East
John W. East

Entered

the costs of such and expenses of sale
including an Attorneys fee of thirty
dollars and the balance of the for
Chon Money in this equal instalments
upon a credit of six, twelve and
eighteen months respectively. The
purchaser giving bond with good
personal security for the deferred
payments and the title to be
retained until the further
order of the Court. And the
said Commissioner is directed
to make report of his proce-
ding to the Court. But he is
not to act under this decree
until he shall give bond with
approved security before the
Clerk of this Court in the
sum of twenty five hun-
dred dollars conditioned for
the faithful performance of
his duties as Commissioner
under this and any subsequent
decree.

Edward R. Bart

vs

In Chy.

John W. Bart & others

This day this
Cause came on to be again heard upon
the papers formerly read and upon
the report of H. S. Young Commissioner
made in pursuance of the decree rendered
in this case on the 5th of May 1873 to
which report no exceptions have been
filed and was argued by Counsel.

On Consideration whereof the
Court doth confirm the said re-
port and doth adjudge, order and
decree that John Goode Jr who
is hereby appointed a special Com-
missioner for that purpose do sell
the tract of land in the Bill and
proceedings mentioned of which
the late Richard Bart died se-
ized and possessed to the highest
bidder at public auction after
having advertised the time and place
of sale for twenty days ^{one} or more
of the newspapers published in
the City of Norfolk and in such
other form as he may deem best.
That the said sale shall be made
upon the following terms to wit:
a sum sufficient in cash to pay

It is my wish that of an the judgment
of my wife Rachel East and my Exrs
hereinafter named. it would be best to
sell my farm after my youngest child
shall arrive at the age of 16 yrs, then
and in that case I desire it should be
sold and one third of the interest
of the sale thereof I give unto my
wife Rachel East during her natural
life and the remaining two thirds
proceeds of sale thereof I wish equally
divided between my children

East vs East, in hands Mr. Good
Apr. 17th 1889 — C. H. Hart