

1887-013

Chancery Causes: Robert E. Pierce & Lk VS Annie E. Atkins (Atkinson) + Wiley W.

Jude of Wright County

Atkins

Pena et al
vs Zachary. 28
Attains et. al.

Bill of Complaint

Sept. 1887. Bill filed
sum. & exp. & de. nisi
in depts.

Oct. 1887. Bill
taken for conf. & ad
for hearing.

Oct. term 1887.
Decree removing
case from docket
& exp. ord. for costs.

on oath, is hereby wound agreeable to the statute
is this come made and provided, That said
land may be divided in kind, a line be
made and marked out between the two
several parties, that in case said land can
not be divided in kind then you com-
plainants say that it may be sold and
the proceeds divided, that said R. E. Pierce
be allowed in either event of sale or divis-
ion reasonable pay for the buildings erected
by him at his own costs as aforesaid,
that, that all necessary commissions be
appointed, that all order be made and
enquiries directed as the nature of this
case may require. That all such other
and further general relief may be afforded
you complainants as the nature of their
case may be require and as to equity and
good conscience shall seem meet, and
they will ever say &c. Let a Subpoena
go.

W. S. Halland J. G.

year; that said R. E. Pierce had a contract with
his sister for the purchase of her interest in
the land on which said house was built
and expecting and believing said contract would
be consummated, executed and carried out
by his sister and her husband, he built
and erected said dwelling and out house,
but soon after this work his sister and
her husband declined and refused to comply
with their contract, and that your com-
plainant says that buildings are worth
\$150 or \$200 but they have offered to accept
one hundred dollars for said buildings
in the division of the land or that said
buildings ^{being} on that part of the land which
both complainants & defendants agree shall
be allotted to said Pierce, he is perfectly will-
ing to accept this land ^{without compensation} provided only
that said buildings thus erected by said
Pierce are not estimated in the valuation
and to this proposition defendants have
recently agreed: and your complainants are
advised that they are entitled to pay for said
buildings erected by said Pierce. Satisfaction is hereby
given that all proper fees be allowed the attorney for the
plainiffs. — And whereas your complainants
are remediless save in a court of equity — where
such matters are alone and properly cognizable
they pray that said Annie E. Atkins (some-
times called Atkinson) and W. W. Atkins her
husband may be made parties defendants
to this bill of complaint and required
to answer the same fully but on answer

At one trial:

Jan complainants say that they have tried to divide said land without the intervention of this Honorable Court, that they have offered to surrender a great deal more than one half of said land in order to avoid litigation and bad feelings in the two families, that they have selected by and with the advice and consent of said Annie E. Atkins and her husband three discreet and disinterested gentlemen in the neighborhood to divide said land - that these gentlemen made a line which the defendants rejected and that the plaintiffs offered to pay over seventy five dollars, or rather, release the defendants from the payment of seventy dollars and still hold to the line made by these gentlemen and this proposition was likewise rejected:

And your complainants charge and allege that some ten years ago at the solicitation of his mother and sister said R. E. Pierce built a dwelling and some outbuildings on said Home tract near the dwelling house then occupied by his mother, that even the timbers out of which these buildings were constructed was taken from the lands of said R. E. Pierce devised to him by his father and which is not included in the lands now in dispute, and that said R. E. Pierce has occupied these buildings since their erection and has rented the lands there about from his mother in her life time and paid her rent for the land given by

Attest -

at law, that by some manner or means said
lost tract of 40 acres now stands charged
on the Land Book to S. A. Pierce, that
said S. A. Pierce surviving her said husband and
her said son Jno. F. Pierce by a few years
also died intestate in the month of June 1887
leaving as her only heirs at law said R. E.
Pierce and Annie E. Atkins her son
and daughter, that the said Home tract of land
containing 102 acres more or less and the adjacent
tract of 40 acres as aforesaid descended, one
moiety to said R. E. Pierce and one moiety to
said Annie E. Atkins wife of said W. W. Atkins
as the heirs at law of said John F. Pierce
and S. A. Pierce deceased, and you complain
and are of opinion that said two tracts
of land which really constitute at present
one tract can be divided and partitioned in
kind to the said two heirs, that it will
appear from said will of Ely Pierce decd.
that he devised to said Robert his son
and to said Annie his daughter certain
other land which they now possess enjoy and
occupy, that the lands of said Robert so devised
to him by his said father lie on the north side
of the Home tract and that the lands
so devised to said Annie when or she &
her husband now reside lie on the south side
and is adjacent to said Home tract, so that
by running and east & west line across said
Home tract, both parties could be con-
veniently possessed of their share of said

To the Hon. C. W. Hill judge of the Circuit
Court for Isle of Wight County:

I am complainant R. E. Pierce
and Dianna Pierce his wife humbly com-
plaining sheweth to your Honor:

That on or about the year 1875
his father Eley Pierce departed this life leaving
his last will and testament which has been
duly proved and admitted to probate in the
County Court of Isle of Wight County a copy
of which is herewith filed as an exhibit
marked "A" and prayed to be read as
a part of this bill, that he devised
or bequeathed to S. A. Pierce his widow, the mother
of your complainant R. E. Pierce a certain
tract of land known as the "Home Farm or
Home Place" whereon said Eley Pierce resid-
ed at the time of his death, lying and being
in the County of Isle of Wight, for her life
with remainder in fee to his young son
John H. Pierce, that under the second clause
of said will he devised in fee to said
son John H. Pierce a tract of land said
to contain 40 acres more or less adjacent
the lands of Madison Johnson and the said
Home tract, that on or about the year 1878
said John H. Pierce also died before he reach-
ed his majority, being under the age of
21 years, intestate leaving your complainant
R. E. Pierce Annie E. Atkins who was
Pierce a brother & sister as his only heirs

Pierce R. E. et al.

3 Success to
vs. 3 Accs. a
3 Pierce & Co.

Atkins Annie &
Wiley W.

//

Lo Sept. Rec. 1884.

Co. C. Hollandry

Executed By
delivering to the
within names
Annie E. Atkins
and Wiley W. Atkins
a true copy of the
within summons

Aug 31, 1887

A B Edwards
for R A Edwards att
thrift

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON *Annie E. Atkins and Wiley*

W. Atkins

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 *September* next, to answer *the Bill in*

Chaucery of Robert E. Pierce and Diana his wife

of a plea of _____ for \$ _____ Damages \$ _____ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Courthouse, the *30th* day of *August*
188*4*, in the *11th* year of the Commonwealth.

N. P. Young clerk

From 10 03
to
Atkin 10 03

Oct. 10 1887

Secur

To be entered
C. W. Hill

Entered
No. 31.

Pierce et al,
vs
Atkins et al.

This cause come on this day to be heard on the bill of complaint taken for confessed as to the defendants on whom process has been duly served and it appearing from a deed duly recorded in the clerk's office of Isle of Wight county that the parties to this suit have settled their matters and have divided the lands in the proceedings mentioned and was argued by counsel on consideration whereof the court doth adjudge order and decree that the clerk of this court issue execution against the plaintiffs and defendants jointly for the taxable costs in this suit, and that this cause be removed from the docket.