

1892-011

Isle of Wight County

Chancery Cause, Norman A. Garner vs Elizabeth T. Pope & al

Petition of Benjamin B. Washington & W, Sarah Savedge & Indiana
F. Bell

other surnames: Lovsey,
Gray, Pruden, Savage,
Lufsey, Prentis, Lofsey

Know All Men by These Presents:

THAT WE,

R. E. Boykin and Henry R. Parker

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of *Two Thousand* DOLLARS,

to the payment whereof well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this *2nd* day of *Decr.*, in the year one thousand eight hundred and ~~eighty~~ *Ninety* and in the *115th* year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound

R. E. Boykin, who, by decree of the circuit court of Isle of Wight County, rendered at October term 1890, in the suit of Norman Garner vs. Eliz^a Pope, Jno. Garner & al., was appointed commissioner to sell the land in the proceedings mentioned, whereof John Garner died seized and possessed

as commissioner under said decree or any future decree therein shall faithfully discharge the duties of said office or trust then the above obligation to

be void, or else to remain in full force and virtue. We hereby waive the Homestead Exemption as to this obligation, and we also waive any right, claim or privilege to discharge any liability arising under said bond, or by virtue of said office or trust, in any currency, funds, counter-claims, or offsets other than legal tender currency of the United States.

copies attached from bonds issued by the state of Virginia.

R. E. Boykin by

A. J. Youngkin atty. in fact.

H. R. Parker by

A. J. Youngkin atty. in fact

Circuit

IN ISLE OF WIGHT COUNTY COURT *Clerk's Office, Dec. 2. 1890:*

This bond was executed and acknowledged in open Court by the obligors to the same, and ordered to be recorded. *admitted to record, The security*

H. R. Parker having verified as to his sufficiency before a Notary Public.

Teste, A. J. Youngkin clerk

Garner Harmon

1/2 Court.
2. 1/2 Bond

Pope, Garner & Co.,
==

acopy.

ROBERT R. PRENTIS,
ATTORNEY AT LAW.

SUFFOLK, VA., July 10th. 1890.

Chas. H. Hart Esq.,

Comet Va.,

Dear Sir:-

In accordance with your instructions I have secured Mrs. Bope's signature and acknowledgment to the deed which you sent me. She tells me that her interest is perfectly clear and that she has been a widow a number of years.

I herewith enclose the deed, I have delivered your check. Please remit me a fee of five dollars for my services.

Very truly yours,

Robert R. Prentis.

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1-4 1-
1-5 6
1-5 6

In the name of God amen. I John Garner
of the county of Isle of Wight & state of
Virginia, though weak of body, yet of a
sound mind and memory, do constitute this
to be my last will and testament and desire
it to be record by all.

Item 1st I give to my son Benj. Garner the
tract of land which I formerly lived on,
containing one hundred and twenty five acres,
with the fifty eight acres which I purchased.
2nd I give to my dear and loving wife Mary
Garner the balance of my land, with the
balance of my estate just as it stands,
as long as she remains in my name, then
what is left to be equally divided between
the balance of my other children. 3^d I leave
my wife executor of this my last will and
testament

Teste

John^{his} Garner
mark.

James T. Holland

Barwell Brock

Emeline B. Mercer.

In Isle of Wight county court June 30th 1850, the
last will and testament of John Garner decd.
was proved by the oaths of James T. Holland
and Barwell Brock two of the subscribing
witnesses thereto and ordered to be recorded.

Teste

N. P. Young clk

A copy of

Teste,

N. P. Young, clk

Ans. Garner
Will

acopy.

Garner

V } on the
Garner, Pope & als.

This cause came on this day to be again heard on the papers formerly read, and upon the report of collections and distribution of Court Boykin herein to which no exceptions have been filed and was argued by counsel; on consideration whereof the Court doth confirm said report, and nothing further remaining to be done herein it is ordered that this suit be dismissed from the docket.

Garner class
p } Duchay
Garner Pope class

Rough sketch
Nov 1st
~~Oct term~~ 1892.
Go to entrance
C. M. D.

Entered # 11

Garner

¶ } In the Circuit Court of Dist of Styler County.
Garner Pope et al

This cause came on this day
to be again heard upon the papers formerly read,
and it appearing to the court from the ends
of Elizabeth Pope, Norman Garner wife
John A Garner and J. T. Lufsey and ~~his~~ his
wife to C H Hart, conveying their respective
interests in the proceeds of sale of the tract of
land in the Rice and proceedings of this
suit mentioned to him the said C H Hart,
which ends are duly recorded in the clerks
office of the County Court of the County aforesaid
and filed in the papers of this cause, the
court doth adjudge order and deem that
R E Boykin who has heretofore been appointed
a commissioner in this cause, to collect
and receive of and from the said C H
Hart, his two bonds, given for the purchase
price of the said land, in making such
collection, shall credit the said C H Hart
with the interest of the said Elizabeth Pope
Norman Garner, John A Garner and J T
Lufsey in the proceeds of such collection, less
their proportionate share of the unpaid costs
of this suit, and the said commissioner
shall distribute the residue of the proceeds
of such collection among the parties entitled
thereto, first paying thereout ^{their pro-rata} the unpaid costs
of this suit, taking the receipts of the parties
for such payments and the amounts so

Garnier et al
vs
J. J. Carey
Garnier et al

Rough decree
April 20th 1892
Do the intend
CMT.

Entered #10

to be entered, and return the same docket with
a report of his proceedings under this decree,
and in all other respects the said court shall
execute the decree herein of April term
1890.

Garner et als

10

} On the circuit court of Isle of Wight.

Garner, Pop et als

This cause came on this day to be again heard upon the papers formerly read, and upon the petition of B. G. Washington and Lavinia & his wife, Sarah Lavinia and Joanna & Bell who are amongst others, heirs at law of James Gray decd, but were not made parties to this suit, consenting and agreeing to all the proceedings heretofore had in this suit, and praying that they be made parties defendant thereto, and be allowed to participate with the other heirs of James Gray decd in his share of proceeds of sale of the land in this suit mentioned, and upon the report of R. E. Boykin Comr of Sale, This day filed by leave of court; on consideration whereof the court doth admit the said petitioners as parties defendant ^{to this suit} in accordance with the prayer of their said petition, and doth confirm the said Report of Comr Boykin, to which no exceptions have been filed, and doth ^{also} order that R. E. Boykin who has heretofore been appointed comr in this cause, withdraw from the papers in this cause the two bonds of Chas H. Heat returned with the report of sale, and proceed to collect the same at maturity or before maturity if payment be tendered, and upon the payment of said bonds the said comr shall execute a good and sufficient ^{deed} ~~bond~~ in fee simple with precise warranty, for the tract of land in the bill and proceedings of this suit mentioned, and the said comr shall make report to court of his proceedings under this order.

Garner. et al

pp } suchey

Garner. Pope et al

Rough Draft

April Term 1890

To be entered

C. M. H.

Entered #15

Garner v. Pope

x } In the circuit court of Isle of Wight Co
Garner Pope v. Pope

This cause came on this day to be again heard on the papers formerly read and on the report hearing of court yesterday. This day filed by leave of court, and was argued by counsel, on consideration whereof the court confirming said report to which no exceptions have been filed, doth approve order and decree, That R. E. Boykin who is hereby appointed a special commissioner, ^{for that purpose} proceed to sell at public auction at Isle of Wight Court House on some court day, having given at least 20 days notice by hand bills posted on the front door of the court house ^{on some court day prior to day of sale} of said county, the tracts of land in the bill and proceedings of this suit mentioned, upon the following terms to wit, for cash ^{as to so much as may be} sufficient to pay the costs of this suit including an atty fee to R. E. Boykin for his services herein of \$100⁰⁰ and the balance upon a credit of one and two years in equal payments, taking from the purchaser bond with approved personal security for the deferred payments, containing a waiver of the Homestead Exemption and retaining title until the further order of this court, But the said court shall not execute so much of this decree as directs the sale of said land, until he shall have entered into a bond with good personal security before the clerk of this court in the sum of \$200⁰⁰ conditioned for the

Faithful performance of this or any future duty
herein, and the said Comr shall make report
to court of his proceedings under this decree.

Garner et al

vs J. B. Cheney

Garner Comrs et al

Rough Decree

Oct 28th 1889

To be entered

C. J. Miller

Entered 121

In the Circuit Court of Isle of Wight
county October 22^d 1889

Garnier

Pltff

vs. }

Garnier et al

This cause came on this day to be heard on the complainants bill taken for confessed as to the adult defendants upon whom process has been duly served, they still failing to appear, pleas, answer or demur, upon the answer of the infant defendants by guardian ad litem, with general replication thereto and was argued by counsel, on consideration whereof the court doth adjudge order and decree, that a commissioner of this court, enquire and report to court whether the land in the bill mentioned is susceptible of partition in kind, and if not susceptible of partition, whether the interest of the parties will be promoted by a sale of a part of the subject and allotment of part, or by a sale of the entire subject, which enquires the said commissioner shall make and report to court with any matters specially stated, deemed pertinent by himself or required by the parties to be so stated

A copy. Teste,

N. O. Young cllk.

Garner

us. }

Garner et als

Dear

Early

Oct 22, 1889

Garner et al

vs } In chancery
Pope Garner et al

This cause came on this day to be heard on the complainants bill taken for confessed as to the adult defendants, upon whom process has been duly served, they still failing to appear. Pleas, answer or demur, upon the answer of the infants defendants by guardian ad litem, with general replication thereto and was argued by counsel, on consideration whereof the court with advice order and decree that a commissioner of this court, inquire and report to court, whether the land in the bill mentioned is susceptible of partition in kind and if not susceptible of partition whether the interests of the parties will be promoted by a sale of a part of the subject and allotment of part, or by a sale of the entire subject; which enquires the said court shall make and report to court with any matters specially stated deemed pertinent by himself or required by the parties to be so stated.

Garner et al

vs } In

Pope Garner et al

Rough Draft

Oct Term 1889.

W. H. H. H.

Entire 3

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No. 28

Smithfield, Va. June 15th 1892

THE BANK OF SMITHFIELD

SMITHFIELD, VA.

Pay to B. J. Gray
Fifteen

or order

⁷⁹/₁₀₀ Dollars.

\$15.79

on full of acc for rent of houses & farmsteads

R. E. Boykin

B. J. Gray

No. 66

Smithfield, Va. July 29th 1892

THE BANK OF SMITHFIELD

SMITHFIELD, VA.

Pay to Sudianna F Bell

Fifty

\$15.79

In full of amt from suit of H. A. Smith & Co. Merchants

or order

979 Dollars

R. B. Boykin

Indiana F Bell
M. A. E. Jones.
Pr. I H. Jones

No. 70

Smithfield, Va.

July 29th 1892

THE BANK OF SMITHFIELD

SMITHFIELD, VA.

Pay to Lavinia A. Mashburn

or order

Fifty

79 ¹⁰⁰ Dollars.

on full of amt from suit of Edwin V. K. K. K. K.

\$15.29

R. E. Roykin

Lee Washington
M. A. E. Jones.
Dr. I. N. Jones

No. 77

Smithfield, Va. Aug 30th 1892

THE BANK OF SMITHFIELD

SMITHFIELD, VA.

Pay to R. M. Garner

or order

Thirty

\$ 70 ¹⁰⁰ Dollars.

Cash in full from suit of Garner v. Garner et al.

\$ 30 ⁷⁰

R. E. Boykin

B. W. Gane

No.

Smithfield Va.

Sept 3^d 1892

THE BANK OF SMITHFIELD

SMITHFIELD, VA.

Pay to E. H. Gray

or order

Fifty

⁷⁹/₁₀₀ Dollars

(In full of amt from suit of Garner & Garner vs. Gray)

\$15.79

R. E. Boykin

C. H. May

Collect for
Burruss, Son & Co.
Bankers
NORFOLK VA.

No. _____

Smithfield Va. Sept 24th 1892

THE BANK OF SMITHFIELD

SMITHFIELD, VA.

Pay to Mrs Sarah Parag

Fifty

\$15.79

On full of amt from suit of Garner & Garner vs

R E Boykin

for order
79
100 Dollars

Mrs Sarah. Savidge.

W H Gwatney

W R Burman

Statement of collection and distribution
of the proceeds of the sale of the real estate of
John Garner as made by R E Boykin Special
Court in the suit of Garner et al vs Garner et al
made this 6th day of June 1892

1892

May 6

By amt of bond of C H Hart at 1 year	330 22½	
" " " " " " 2 years	330 22½	
" int on \$660 41 from Jan 4/90 to May 6/92	92 45-	
" total amt of collection		752 90
To coms on 92 45 int @ 2% R E Boykin	1 84	
" unpaid costs to disburse C. A. P. Young	3 78	
" Notary for Certifying R E Boykin	50	
" fee for deed R E Boykin	10 00	
" amt due	736 78	
	<u>\$752 90</u>	<u>\$752 90</u>

By amt in hands of coms for distribution		736 78
To C H Hart assignee of Norman Garner 1/6	122 79⅓	
" do " " John A Garner 1/6	122 79⅓	
" " " " Lillie A Lufsey 1/6	122 79⅓	
" " " " Elizabeth Pope 1/6	122 79⅓	
" James Gray's heirs 1/6	122 79⅓	
" David Garner's heirs & their assigns 1/6	122 79⅓	
	<u>\$736 78</u>	<u>\$736 78</u>

By amt due the heirs of David Garner their assigns		122 80
To C H Hart assignee of David F Garner	30 70	
" " " " Chas M Garner	30 70	
" Loyd F Garner	30 70	
" B M Garner	30 70	
	<u>\$122 80</u>	<u>\$122 80</u>

By amt due Miss James Gray		122 80
To amt due B J Gray	17 54 7/7	
" " Albert Gray	17 54 7/7	
" " Mrs M Gray	17 54 7/7	
" " Jas L Gray	17 54 7/7	
" " Fannia Washington	17 54 7/7	
" " Sarah Landry	17 54 7/7	
" " Indiana Bell	17 54 7/7	
Cornell	\$122 80	\$122 80

June 6th 1892. Received of R E Boykin COM in Garmentals
 & Garmentals, the amounts opposite our respective
 names. Being our respective shares in the proceeds of sale
 of the tract of land in said suit mentioned and sold herein

CH Hart assignee of Norman Garner.	pd Est Hart	122 79 2/3
do assignee of Mrs A Garner	pd Est Hart	122 79 2/3
do " " Lillian A Garner	pd, Est Hart	122 79 2/3
do " Elizabeth Pope	pd, Est Hart	122 79 2/3
" " David F Garner	pd Est Hart	30 70
" " Chas M Garner	pd Est Hart	30 70
Loyd F Garner.	pd R E Boykin atty.	30 70
B M Garner said B. W. Garner		30 70
B. J. Gray said B J Gray		17 54 7/7
Albert Gray pd R E Boykin atty		17 54 7/7
Mrs M Gray pd R E Boykin atty		17 54 7/7
Jas L Gray " R E Boykin atty		17 54 7/7
Fannia Washington pd R E Boykin atty		17 54 7/7
Indiana Bell " R E Boykin atty		17 54 7/7
Sarah Landry " R E Boykin atty		17 54 7/7
		\$726 78

1879

Adopted

Settled

Not

Manuscript

Garner & Co
Garner & Co
Garner & Co

To the Circuit Court of the County of Isle of Wight

The undersigned R.E. Boykin Special Commissioner under the annexed decree of the Court of Appeals Term 1892, Reports to Court that in pursuance of said decree, ~~that in pursuance of said decree~~ he collected from C.H. Hart his two bonds given for the deferred payments on the loan of land in the bill and proceedings of this suit mentioned and distributed the same among the parties entitled thereto as by said decree directed, a statement of said collection and distribution, with the receipts of the parties is herewith returned as a part of this report.

All of which is respectfully submitted.

R.E. Boykin
Special Commissioner

Aug 18/94. Recd of R.E. Boykin Twenty Five 70/100 Dollars being and collected by him in above said case as per
of Five Dollars

Lloyd Fenton Garner

Garner et al
vs } In chey

Garner, Pope, et al

Com. Boykin's Report
of Collection Distribution

Confuc. Nov. 1, 1892

LAND FOR SALE!

Pursuant to a decree of the Circuit Court of Isle of Wight County, rendered at the October term, 1889, in a suit in chancery therein pending between Norman Garner, plaintiff, and Elizabeth Pope, et als, defendants, the undersigned, special commissioner appointed thereby will offer for sale,

AT PUBLIC AUCTION

AT ISLE OF WIGHT COURTHOUSE, ON

MONDAY, 6TH DAY OF JANUARY, 1890,

That being court day, the tract of land in said suit mentioned, situate in the county of Isle of Wight and containing about 200 acres, of which about 75 acres is cleared. The said land is bounded on the south, west and east by the Hardy tract, and on the north by the lands of William Whitley and B. W. Hearne. It has on it a dwelling house and some fruit trees.

TERMS: Cash for so much of the purchase money as may be sufficient to pay the costs of suit and sale; the balance on a credit of one and two years with interest from date. Bonds for the deferred payments to be given with sufficient security and with waiver of homestead and title retained until the further order of the court.

R. E. BOYKIN, Special Commissioner.

VIRGINIA: In the Clerk's Office of the Circuit Court of Isle of Wight County, the 2nd day of December, 1889.

I, N. P. Young, Clerk of the said court, do certify that the bonds required by the decree of said court rendered at October term, 1889, in a suit therein pending between Norman Garner, plaintiff, and Elizabeth Pope, et als., defendants, to be given by R. E. Boykin, commissioner, has been given with security deemed sufficient by me. Given under my hand the day and year first above written.

N. P. YOUNG, Clerk.

1867

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In the Circuit Court of Isle of Wight county
October 28th 1889

Garnur et als

Plffs

vs. J. In Chancery

Garnur Pope et als

Defts

This cause came on this day to be again heard, on the papers formally and on the report herein of court. Young this day filed by leave of court, and was argued by counsel, on consideration whereof the court confirming said report to which no exceptions have been filed doth adjudge order and decree that R. E. Boykin who is hereby appointed a special Commissioner for that purpose proceed to sell at public auction at Isle of Wight court house on some court day having given at least 20 days notice by hand bills posted on the front door of the court house of said County on some court day prior to day of sale the tract of land in the bill and proceedings of this suit mentioned upon the following term to wit: for cash as to so much as may be sufficient to pay the cost of this suit including and attorneys fee to R. E. Boykin for his services herein of \$100⁰⁰ and the balance upon a credit of one and two years in equal payments, taking from the purchaser bond with approved personal security for the deferred payments, containing a waiver of the homestead Exemption

and retaining title until the further
 order of this Court. But the said com^r
 shall not execute so much of this
 decree as directs the sale of said land
 until he shall have entered into a bond
 with good personal security before
 the Clerk of this Court in the penalty of
 \$2000⁰⁰ conditioned for the faithful
 performance of this or any future decree
 herein, and the said com^r shall make report
 to Court of his proceedings under this decree

A copy

~~Test.~~

J. O. Young clk.

att. fees & tax	116.50
Cell. "	9.58
Diff. of l. & l. fee	3.50
Stalk. City	.52
Cost. Young clk.	4.50
	<u>\$132.55</u>

Garner et al.
 vs. J. M. Chomery
 Garner Pope et al.

Recd Oct 11 1889

A copy Dr. forward

Costs to pay

One year after date with interest from date, we
Chas H. Heath as principal and R. A. Edwards
as surety, promise to pay to R. E. Boykin court in
the suit of Garner et al, vs Garner, Pope et al the
sum of Three Hundred and Thirty Dollars and Twenty
Two and one half cents, we hereby waive the benefit
of our Homestead Exemption as to this obligation,
Given under our hands and seals, this 6th day of
January 1890.

Chas H. Heath Seal
R. A. Edwards Seal

Two years after date, with interest from date,
we Chas H. Heath as principal and R. A. Edwards
as surety, promise to pay to R. E. Boykin
court in the suit of Garner et al vs Garner, Pope et al,
The sum of Three Hundred and Thirty Dollars, and
Twenty Two and one half cents, we hereby waive
the benefit of our Homestead Exemption as to this
obligation, Given under our hands and seals, This 6th
day of January 1890

Chas H. Heath Seal
R. A. Edwards Seal

Gannet - chals

20 } Lake Road

Gannet - chals

Graves et al

v } In The Circuit Court of Jackson Co.

Garner Pope et al

The report of R E Boykin, Special Commissioner in the
suit of Garner v Garner Pope et al.

Your commission in pursuance of the
annexed decree bearing of Oct term 1889, respect-
fully reports to court. That in pursuance of
said decree, having first given the bond and notice
by said decree directed, exposed to sale at public
at public auction at Jackson County Court House
on the 6th day of Jan'y 1890, being county court day,
The tract of land in the line and proceedings of said
suit mentioned, known as the Garner land, situate
lying and being in the county aforesaid and containing
by estimation 200 acres in the same more or less,

at which sale Chas H Heart being the highest bidder,
by said the purchaser thereof at the sum and price
of \$2500. That the said Chas H Heart, paid in cash

The sum of \$1645⁰⁰ and for the deferred pay-
ments executed his two several bonds for \$330⁰⁰ each

each payable respectively in one and two years
after date with interest from date and bearing
date Jan'y 6th 1890. which bond & cash payment make up \$2000

Thus the said cash payment was expended in the
costs of suit and sale as per statement

(over)

cash 1645⁰⁰
330⁰⁰
222⁰⁰
\$2115⁰⁰

9.53
2.50
17.03

Statement
A

Ex aucto for Tarrant Tax	Paid R.E. Boykin	166.50
clerk	Paid N.P. Young clk.	9.53
Sheriff	Paid R. A. Edwards off.	3.50
Norfolk City and Rats	Paid R.E. Boykin	15.2
com. Young	Paid N.P. Young car.	2.50
auctioneer	Paid R. A. Edwards com.	5.00
Notice of sale	Paid R.E. Boykin	1.50
com on \$300	" do com	15.00
" " \$5.25	" "	10.00

By amt of cash payment

164.55
\$164.55 \$164.55

The said Bonds with the receipts of the parties
~~with the said Bonds~~ are herewith returned,
all of which is respectfully advised.

R.E. Boykin
Special Const

Garnier et al
} Du chey

Garnier, Pope et al

Cour. Boykin's Report of Feb.
Filed apl. 1890.

Garner et al.

vs.

3 In chf.

Garner et al.

Additional Costs since the costs
taped on decree for sale. To wit:

Clerks fees to & including final decree \$3.78

Teste, N. P. Young clk.

Bill of cost

3/4

Commissaries office Isle of Wight County
Octo. 26th: 1889.

To the Circuit Court of Isle of Wight County,

Pursuant to a decree of said court
rendered at the Octo. Term 1889, in
a suit then in pending between James
Garner petff. and Elizabeth D. Pope
Jno. Garner and others defts: directing
a commissaries of the court to enquire
and report to the court whether the land
in the bill and proceedings mentioned
is susceptible of partition in kind,
and if not whether the interests of the
parties will be promoted by a sale
of part of the subject or all or none
of a part, or by a sale of the entire
subject, your commissaries to
whom was referred said decree for
execution, reports that the parties
by their counsel on both sides,
leaving no word unsaid, your com-
missaries upon enquiry, is satisfied
and so reports that the said land can
not be partitioned in kind without
manifest injury to the parties entitled
that the greater portion of said
land is in timber. That there is a saw
mill near it and that it would
be greatly to advantage of the parties
interested that said land be sold
before said mill is removed,
Given under my hand as

a commission of said circuit
court the day & year first above-
said.

N. P. Young com.

Comes for \$2.50

Garrett
" 3 In chq,
Pope, Garrett &c

Refd. of Court.
Young and
co. of Oct. 1889.

Filed Dec. 26,
1889

August 12th 1889
Mr. N. P. Young

The names
of these heirs is as
follows

Elizabeth T. Pape <sup>married John Pape
dead</sup>

John A. Garner

Mallory. Garner his wife
has him sold and he long
to Jimmy Gray & wife

Norman. Garner

David. Garner. Dead
he has four children or
living which is

David H. Garner

Charles W. Garner

Benjamin Garner

David H. Garner

these last two is under
age

~~Jan. 7. Left~~

Lovely. Mrs J. Loring
Lillie A. ~~Leffley~~

The first day I am
able to ride I will
come to the office to
see your ~~Worman~~ Garner

to

of the 11th

Dr. J. L. Loring

The Commonwealth of Virginia,

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

WE COMMAND YOU to summon Elizabeth T. Pope, John A. Garner, John T. Lonsay and Lillie A. his wife, Jennie Garner, David T. Garner, Charles W. Garner, Reig. D. Garner, Lloyd T. Garner, last two infants, Geo. D. Gray, R. J. Gray, Elbert H. Gray & James L. Gray heirs at law of James Gray decd; to appear at the clerk's office of our Circuit Court of the County of Isle of Wight

at the court-house thereof, at the Rules to be holden for said court, on the third Monday in

September 1889, ~~not~~ to answer the Bill in chancery of Norman Garner

of a plea of

Damage

~~Dollars~~ And have then there this writ.

WITNESS, A. P. Young, Clerk of our said court, at the court-house, the

17th day of Sept. 1889, and in the 114 year of the Commonwealth.

A. P. Young clk.

Plg about P. Pope not find & no info.
about of my Co. James Garner who
is a real. Took from Sept 16th 1889.

Do A. Edwards
off.

FORM No. 200.

Garner A.

Summons in ~~action~~

v.s.

Chaucery
Pope, Garner et al.,
Boylkin p. q.

Do 2nd Sept. Rules,
1889. Circuit Court.

We acknowledge legal
service of this process
& waive service by
an officer.

John T. Lufkin
& Willie A. Lufkin
By R. E. Boykin
att.

Exhibited by exhibiting a copy of
the writ to the se. Johnson & Co.
Jaffay & Co. & Jaffay. David A. H.
W. C. H. & Co. & Co. & Co. & Co.
& Co. & Co. & Co. & Co. & Co.
the writ in the same. Sept 16th 1889.
Do A. Edwards off.

The Commonwealth of Virginia,

To the sheriff of the County of Isle of Wight, Greeting:

WE COMMAND YOU to summon

Elizabeth T. Pope, Mrs. A. Garner, Mrs. J. L. Lacey &
Lilli his wife, Junia Garner, David T. Garner, Charles W. Garner,
Benj. W. Garner, Lloyd T. Garner, last two infants, & B. J. Gray, Elbert
H. Gray, Mrs. W. Gray & James L. Gray heirs at law of James Gray decd.

to appear at the clerk's office of our circuit Court of the County of Isle of Wight
at the court-house thereof, at the Rules to be holden for said court, on the third Monday in

September 1889 next to answer the Bill in chancery of
Norman Garner.

of a plea of

Damage

Dollars. And have then there this writ.

WITNESS,

N. P. Young

, Clerk of our said court, at the court-house, the

12th day of September 1889, and in the 114th year of the Commonwealth.

at copy Teste, N. P. Young clk.

N. P. Young clk.

Wm E. T. P. Perry

vs.

Summons ~~in an~~ action of

p. q.

Rules,

Circuit Court.

The Commonwealth of Virginia,

To the sheriff of the county of Isle of Wight Greeting:

WE COMMAND YOU to summon

Elizabeth P. Cole, John A. Garner, Jas. P. Lovejoy &

Lillia A. his wife, Jennie Garner, Wood F. Garner, Charles W. Garner, Benj. W. Garner, Lopy J. Garner last two infants & B. J. Gray, Elbert H. Gray, Jas. H. Gray & James L. Gray heirs at law of James Gray decd.

to appear at the clerk's office of our Circuit Court of the County of Isle of Wight

at the court-house thereof, at the Rules to be holden for said court, on the third Monday in

September 1889 next to answer the bill in chancery of
Norman Garner

of a plea of

Damage

Dollars. And have then there this writ.

WITNESS,

M. P. Young

, Clerk of our said court, at the court-house, the

12th day of September 1889, and in the 114th year of the Commonwealth.

A Copy Teste, A. P. Young clk. M. P. Young clk

James Gordon

vs.

{ Summons in an action of

p. q.

Rules,

Circuit Court.

I acknowledge legal
service of this process
and waive service by
an officer

James E. Gray
by R. E. Boykin
his ally.

The Commonwealth of Virginia,

To the ~~sheriff~~ ^{housekeeper} of the county of ~~Richmond~~ ^{Richmond} Greeting:

WE COMMAND YOU to summon

*Elizabeth F. Pope, John A. Garner, Geo. T. Losey,
and Lillie A. his wife, Jemmis Garner, David F. Garner, Charles W.
Garner, Benj. H. Garner, Lloyd F. Garner last two infants, & B. J. Gray, Albert
H. Gray, Geo. W. Gray & James L. Gray heirs at law of former Gray dead*

to appear at the clerk's office of our ~~circuit~~ Court of the County of ~~Richmond~~ ^{Isle of Wight}
at the court-house thereof, at the Rules to be holden for said court, on the ~~third~~ ^{third} Monday in

~~September 1889~~ ^{September 1889} next to answer ~~the bill in chancery of~~ ^{the bill in chancery of}
~~Norman Garner~~ ^{Norman Garner}

of a plea of

Damage

~~Dollars~~ And have then there this writ.

WITNESS,

M. P. Young

, Clerk of our said court, at the court-house, the

~~12th~~ ^{12th} day of ~~September~~ ^{September} 1889, and in the ~~114th~~ ^{114th} year of the Commonwealth.

a copy Teste, H. P. Young clk. H. P. Young clk

Garner

Summons in an action of

vs.

Chap.

Popston,

p. q.

Rules,

Circuit Court.

Robert H. Gray

We acknowledge legal
service of this pro-
cess. *Edward Gray*
B. J. Gray
by *R. E. Boykin*
att.

The Commonwealth of Virginia,

To the Sheriff of the county of Spotsylvania Greeting:

WE COMMAND YOU to summon

Elizabeth T. Pope, John A. Garner, John T. Looney
& Lillie A. his wife, Jennie Garner, Daniel T. Garner, Charles W. Garner,
Benj. W. Garner, Lloyd T. Garner last two infants and B. J. Gray, Elbert
H. Gray, Geo. W. Gray & James L. Gray his at law of James Gray decd.

to appear at the clerk's office of our Circuit Court of the County of Spotsylvania

at the court-house thereof, at the Rules to be holden for said court, on the Third Monday in

September 1889 next to answer the bill in chancery of
Norman Garner

of a plea of

Damage

Dollars. And have then there this writ.

WITNESS,

N. P. Young

, Clerk of our said court, at the court-house, the

12th day of September 1889, and in the 11th year of the Commonwealth.

N. P. Young clk

Garner A.

Summons in ~~and return~~

U.S.

Chancery

Pope, Garner et al.

R. E. Boykin p. q.

De Sept. 2nd Rules,

1889 Circuit Court.

ack/89
I acknowledge by a
service of this process
and return service
by an officer.

ack/89 J. F. Pope
We acknowledge by a
service of this process
and to Garner
et al. W. Garner by
R. E. Boykin
this 11th day

The Commonwealth of Virginia,

Sergeant City Norfolk
To the *Sherrif* of the *County* of *King & Queen* Greeting:

WE COMMAND YOU to summon

Elizabeth T. Pope, John A. Garner, John T. Loring & Lillie A. his wife, James Garner, David F. Garner, Charles W. Garner, Benj. W. Garner, Lloyd F. Garner, last two infants & B. J. Gray, Elbert H. Gray, Mrs. W. Gray & James L. Gray heirs at law of James Gray decd.

to appear at the clerk's office of our *circuit* Court of the County of *King & Queen*

at the court-house thereof, at the Rules to be holden for said court, on the *third* Monday in

September 1889 next to answer *the bill in chancery of*
Norman Garner.

of a plea of

~~Damage~~ Dollars. And have then there this writ.

WITNESS, *N. P. Young*, Clerk of our said court, at the court-house, the

12th day of *September* 18*89*, and in the *114th* year of the Commonwealth.

A. P. Young clk

Garner A.

Summons in ~~attachment~~

vs.

Chauncy

Cope et als.

R. C. Baykin p. q.

To Sept. 2nd Rules,

1889 Circuit Court.

not finding Elbert N
 Gray, at his usual
 place of abode this 14
 day of September A D
 1889, I served a copy
 here of for him on
 Mrs. E. Gray his wife
 she being there and
 being a member of his
 family above the age
 of sixteen years and gave
 information of file's purport
 to her
 R. R. Pitt Deputy
 for J. A. Sumner
 to Sergt Lebb
 at Norfolk va

Elbert N Gray
 Sergt fee 50c paid
 R. R. Pitt D. S.

Garner et al

vs } In the circuit court of Linn county,
Pope Garner et al.

The joint and several answer
of ~~all~~ ^{by W. S. Hall and for as their interests in this suit} ~~Garner~~ ^{and Lois F. Garner infants under}
the age of twenty one years, to the bill of com-
plaint in said court exhibited against them et al

These defendants saving reserving all
rights of exception to the said bill, for answer
thereto or to so much thereof as they deem it
necessary to answer, answering say, that they are
under the age of twenty one years and submit
their interests to the protection of this Honorable Court,
and having answered they pray to be
dismissed with their costs in this behalf most un-
reasonably expended

W. S. Hall and and
Liten & C.

Sworn to before me this 22^d day of Oct 1889

R. E. Boykin
Clerk in ch.

Garner et al
vs } Du Chesne
Pope et al

Infants answers

Filed Sept. Reels
1889.

To the bench and court of Isle of Wight county in chancery sitting

The petition of B G Washington and Lavinia A his wife Sarah Sledge and Andrew S Bell respectfully represents that the said Lavinia A Washington, Sarah Sledge and Andrew S Bell are children and heirs at law of James Gray deceased who died intestate many years ago, and are equally entitled to any estate which he owned at his death, with B F Gray, Albert Gray John W Gray and James L Gray, his other heirs at law.

At September Term 1889 Thomas A Gunn filed his bill in your honorable court praying for the partition of a tract of land of which he has father John Gunn and sister Anne of which the said James Gray owned one fifth, and the heirs at law of the said John Gunn, and the said B F Gray Albert Gray John W Gray and James L Gray were named parties thereto but your petitioners were inadvertently omitted. Your petitioners upon a due regard to all that has been done in this matter including the sale of said tract of land at the 6th day of January 1890 by R E Boykin special commissioner appointed for that purpose and pray that they may be made parties defendants ^{in said suit} ~~in said suit~~ and be allowed to participate with the other said heirs of James Gray in his share of the proceeds of sale of said land. And your petitioners will ever pray.

Lavinia A. Washington
Andrew S. Bell

Benjamin A. Washington
Sarah A. Sledge.

Lawyer

no

Pope & Co

Petition of B. Washington
and wife and others.

To The Hon Chancellor H Hill, Judge of the
Circuit court of law and chancery, for the
county of Isle of Wight in chancery sitting.

Humbly complaining
Sheweth To the court, Your complainant
Norman^A Garner.

That some time in the year
1850, John Garner, the father of your com-
plainant, departed this life at his residence
in the county of Isle of Wight ~~some time in the~~
~~year 1850~~, having first made and published
his last will and testament, which was duly
admitted to probate, at the June Term 1850 of
the county court of the county aforesaid, a cer-
tified copy of the said will with certificate of
probate annexed, is herewith filed marked A
and prayed to be read as a part of this Bill.

That by the said last will, the said John
Garner devised to his son Benjamin the tract of
land upon which the miller formerly lived.

That by the 2^d clause of his will he devised to
his wife Mary Garner for life, ^{or widow here} the ~~rest~~ of his land,
and at her death the same to be equally
divided between his children other than the
said Benjamin. That the said John Garner
left him surviving a widow the said Mary and
five children other than the said Benjamin, to wit,
your complainant, John^A Garner, Elizabeth L.
who intermarried with one John Pope, who has
since departed this life, Mary^B Garner,
David^C Garner who has departed this life, leav-
ing him surviving four children, to wit, David^D

John Garner, who died under the age of 21 years
unmarried with out issue, leaving his brother
as his heir at law

Charles W Garner, B. Garner, David F Garner,
the last two infants under the age of 21 years:

Lillian A Lofsey formerly Garner, who has since
intermarried with John T Lofsey.

That the interest of the said Malloy Garner was
conveyed by Jno T Pruden Court in the suit of Pope
et als v Garner et als to James Gray, copy of and filed &

That the said James Gray has departed this life
leaving him surviving him four children, to
wit, B. J. Gray, Albert Gray, Jno W Gray and
James L Gray as his heirs at law.

That the said tract of land ^{so denoted as above said} is situated in the
county of Dale of right and adjoins the lands of
Herman and

contains by estimation acres be the same
more or less.

That the said Mary Garner departed this life
some time in the year 1889.

Your complainant is informed and so charges
that the said land is incapable of division in
kind without great loss and injury to the parties,
and that the interests of all ^{parties much} promoted by a sale
thereof and a division of the proceeds of sale.

On tender consideration whereof and forasmuch
as your complainant is without remedy at
law, and can only be relieved by the aid of a Court
of Chancery, when matters of this kind are alone
and properly cognizable and relievable, to the
end that justice may be done in the premises,
your complainant prays that the said ~~John Pope~~
~~and Elizabeth T Pope~~ B. J. Gray, Albert Gray
John W Gray ~~James L Gray~~, David F Garner Charles

Notice is hereby given that a reasonable fee will be
allowed for my R. E. Boykin's atty for his services herein

W Garner, B - W Garner, Geo F Garner, the last
two infants under the age of 21 years by some atty
at law appointed to defend their interests, in this
suit, John F Lorsey and Lillie A his wife be made
parties defendant to this bill and be required
to answer the same. That the said fund may
be divided in kind if capable thereof, or if
incapable of division in kind, that the same may
be sold and the proceeds thereof distributed
among the parties entitled thereto. That all
necessary orders may be made and inquiries
directed. That proper process may issue and that
such other further and general relief may be
granted in the premises as the nature of the case
may require or to equity shall seem meet.
and Your complainant will ever pray &c

Boykin p. 9.

Garner et al

as } On cheq

Pope Garner et al

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Complainants Bills

Sept. Rules 1889. Bill
of file, Dec. 1889. m. all adult
dis. expt. E. Pope & James
Garner & Co. v. m. m. m.
Gov. ad litem appd. the
infants. their acc. filed &
jud. report.

Octo: Res. 1889. Bill taken
for conf. as to adults. m.
whom de. m. m. m. m.
at last rules & set for hearing.

||
Oct. term 1889. de. for act, report
made & conf. 7 de. for sale.

||
April term 1890 de. conf. report
&c. collect & execute deed

April term 1892
De. to collect & distribute

Oct term 1892

Final Decree Boykin p 2