1893-008 Chancery Causes: David E. Edwards + Nathaniel M. Edwards vs George F. Hall
Dsle of Wight County + Miles Edwards, by v c

Plat in Oversize Box 3

other SURNAMES: Pierce, Munford, Porter, Fergusson [Fergusson Brother], Whitley, Thomas

Commissioner's Office.

Isle of Wight C. H., Va., July 15th 1889

To Thos E Edwards and Nathaniel M Edwards

Plaintiffs,

and to George F Hall and Nute Edwards an infant and Mrs Pl. yans
Hayden by R E Boykin his guardian ad litem

Defendants:

You are hereby notified that I have fixed upon the 29th day of August 1889 to take and settle, at my office aforesaid, the following accounts, to-wit: 1st What interest has the said Nute in the bill and proceedings mentioned and the respective rights of parties in King among the parties thereto entitled. 2nd Who are the owners of said land and what is the share or interest of each 3rd What if any is the nature of the infant defendants title to the land in the bill and proceedings mentioned. 4th What if any encumbrances on the shares in said property and of what nature thereon 5th What property and quantity of the timber and per simple value of said land. 6th An account showing what if the parties owning an interest in said land is or are indebted to the other parties and parties including timber cut, ditches taken and removed, and including as well any other parties or advantages derived from said land, and what may be due to any party for improvements put on said land in the way of fences or otherwise

Required to be taken by a decree of the Circuit Court of Isle of Wight County, rendered ~~on~~ the ~~day of~~ April Term 1889, in a suit in Chancery depending in the said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

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

Lyn R Atkinson *Commissioner.*

Edwards Jr's

vs

Hall and others

Cross Appeals Notice

for accounts.

Executed by delivering Copy of the within Notice to H. E. Edwards Jr. the Edwards Jr. Hall Stacey & H. E. Bayliss each. Aug. 21st 1867 R. A. Edwards Sheff

This Deed, MADE this, the 21st day of January in the year eighteen hundred and eighty-six between James E. Edwards and David Earnest Edwards, two of the children of Timothy Edwards dec'd. (late of Isle of Wight county) of the county of Isle of Wight in the State of Virginia parties of the first part, and George F. Hall, of the said county

party of the second part.

Witnesseth, THAT IN CONSIDERATION OF THE SUM OF Fifty dollars paid to each of the parties of the of the first part, which they ~~acknowledge~~ ~~dollars~~, the said parties of the first part do grant, with general warranty, unto the said party of the second part, the following property, to wit: All their undivided interest, right and title, in law and equity in and to the land of which Emanuel Edwards died seized and possessed, in the county of Isle of Wight Va and which, by his last will and testament, duly recorded in the county court of said County on the 1st. day of Jany. 1866, he devised to the children of Timothy Edwards, aforesaid. The interest of each of the said parties of the first hereby conveyed, being one eighth, making in the two interests two eighths of the whole tract, which by the said will is estimated at one hundred and fifty acres, and embraces all the interest of each of said parties of the first which they derived directly by the said will, as that which they have subsequently derived by the death of their brother John F. Edwards, who died intestate and unmarried. Which said land lies on the mill pond of said Geo. F. Hall, and adjoins his Timothy Edwards Tract, Jno. C. Turner and others.

The said grantor covenant that he has the right to convey the said land to the grantee; that the grantee shall have quiet possession of the said land, free from all incumbrances; that he, the said part is of the first part, will execute such further assurances of the said land as may be requisite; that he has done no act to incumber the said land.

WITNESS the following signature and seal.

James E. his + Edwards mark [SEAL.]

D. E. Edwards [SEAL.]

[SEAL.]

[SEAL.]

Corporation of the City of Norfolk, TO WIT:

I, a Notary Public for the Corporation aforesaid, in the State of Virginia, do certify that whose name signed to the writing above, bearing date on the day of in the year eightcen hundred and eighty- ha acknowledged the same before me, in my Corporation aforesaid.

Given under my hand, this day of in the year 188 .

Notary Public.

State of Virginia,

CORPORATION OF THE CITY OF NORFOLK, To WIT:

I, a Notary Public for the Corporation of the City of Norfolk, in the State of Virginia, do certify that the wife of whose names are signed to the writing above, bearing date on the day of , in the year eighteen hundred and eighty- , personally appeared before me, in the Corporation aforesaid, and being examined by me privily and apart from her husband, and having the writing aforesaid fully explained to her, she, the said acknowledged the said writing to be her act, and declared that she had willingly executed the same and does not wish to retract it.

Given under my hand this day of in the year 188 .

Notary Public.

In the clerk's office of the county court of Isle of Wight county, the 21st. day of January 1886. This deed from James E. Edwards and S. E. Edwards to Geo. F. Hall, was acknowledged by said grantors to be their act, and admitted to record.

Teste, N. D. Sperry Clk.

Edwards Jas. E. & S. E.

To } Deed of Bargain and Sale.

Geo. F. Hall

ADMITTED TO RECORD

January 28th 1886.

Book No. 49

Page 524.

Clerk.

Tax $ .50

Fee 1.25

Total, $ 1.75

Clerk to grantee for
deposit.

CR.

BLANK DEEDS FOR SALE AT THE HOME SAVINGS BANK
NORFOLK, VA.

In the name of God Amen. I Samuel Edwards of the County of Isle of Wight and State of Virginia, do make this my last will and testament, as follows to wit: revoking all other wills made by me up to this 19th day of December 1865.

Item 1st. At my death I want my plantation rented out yearly and the proceeds of the rents - plantation to go to the support of my mother Amelia Edwards as long as she may live. and at her death, I give unto the children of Timothy Edwards the said plantation and the appurtenances thereto them and their lawful heirs forever. No distinction to be made between any of the said Timothy Edwards children in this legacies. The said land joins Timothy Edwards on the south, on the north and by the land of Samuel Edwards, on the north east by the mill pond of Edwards & Holt, containing by estimation 150 acres more or less.

Item 2d. I give unto Charles E. Parkerson and his heirs forever, all of my interest in my lands, lots and bonds due me in the state of North Carolina to him and his heirs forever. Item 3d. I give to Laura V. Edwards daughter of Timothy Edwards, one feather bed, stead & furniture, first choice, for her kind attention in waiting on me during my illness, to her and her heirs forever. Item 4th I give unto Indiana M. Edwards daughter of Timothy Edwards, a yellow trunk of medicine sige, to her and her heirs forever. Item 6th I want all of my chattel estate, sold, and all of my North Carolina money disposed of to the best advantage, and equally divided between

the three youngest children of Eley & Virginia Parkerson, namely, Martha W. V. Parkerson, Eppa Eley Parkerson and McGee Parkerson, to them and their heirs forever. Item 6th I wish my burial expenses paid out of my gold & silver money, and the balance of it to be loaned out payable in specie at six per cent interest and the said interest that arises from the principal, to be paid over to my mother Amelia Edwards annually for her support &c and at her death, the said amount of specie, I wish to be equally divided between all of the children of my brother Edmund Edwards, the names not recollected by me, to them and their heirs forever. Item 7th. I appoint my old friend Miles Edwards of Isle of Wight county Va. my executor to this my last will and testament.

Given under my hand and seal this written date.

Signed, sealed and acknowledged in the presence of
H. H. Womble
Samuel Edwards
Timothy his x Edwards
mark

Edmund Edwards (Seal)

In the County Court of Isle of Wight county, the 1st. day of Jany. 1866. This last will and testament of Edmund Edwards dec'd. was proved by the oaths of the subscribing witnesses and ordered to be recorded.

Teste. H. P. Young clk

Acc'dy. Teste, H. P. Young clk.

Edwards et al.
vs. In Chy.
Hall et al.

//

Copy E. Edwards
Will.

Ext. not filed with
the Bill

//

Edwards et. al.

vs.

Hall et. al.

This cause come on this day to be again heard on the papers formerly read and on the report of distribution by Comr. Holland this day filed by leave of Court; and was argued by Counsel: on consideration whereof the Court doth adjudge, order and decree that said report of Comr. Hall and to which there is no exception and which is supported by proper vouchers, be and the same is hereby confirmed. And nothing further appearing to be done in this cause, it is ordered that the same be dismissed from the docket

Edwards et. al.

vs

Hall et. al.

Decree

To be entered

Entered #23

Edwards et. ux.
vs
Hall et. al

This cause come on this day to be heard on the papers formerly read and on the report of W.S. Hall and Special Commissioner this day filed by Consent of parties and was argued by counsel for plaintiffs and defendants, on consideration whereof the court doth order adjudge and decree that said Report of W.S Hall and Special Commissioner be and the same is hereby confirmed and that said W.S. Hall and Speial Commissioner collect the purchase price of the two tracts from the purchasers respectively and pay the same out as follows:

First, pay all the costs and expenses of suit and sale ~~including a fee of thirty dollars to R. S. Thomas and~~ to W. S. Hall each.

Secondly pay the parties entitled as ascertained by the report of Court. Atkinson that is to say, one third to Geo. F. Hall, one half to David E. and Nathaniel M Edwards jointly and the balance one sixth to the guardian of Miles Edwards ~~the~~ the infant defendant. and that said Geo. F Hall pay pro rata to said David E. Nat. M. and Miles Edwards the sum of $10.50.

And the court doth further adjudge order and decree that W. S. Hall and ~~Special~~ who is hereby appointed a Special Commissioner for that purpose, upon payment of the said purchase money make to said purchasers each respectively a good and sufficient deed with special warranty conveying ~~each~~ to both the lots purchased; and make report to court

Edwards et
vs
Hall + others

Opn. 23rd 1890

To be entered

C M Wood

Entered #16

Edwards et, al,
vs.
Hall Geo. F, et, al.

This cause come on this day to be again heard and on motion and by consent ~~of Consent~~ of parties entered of record in open court it is ordered that this cause may be heard in vacation and such decree entered in vacation as might be entered in term time and it is also ordered that any notice required to be given herein may be executed on R. S. Thomas and W. S. Hall and attorneys respectively of the parties.

Edwards et al
vs
Hall Geo. F. et al.

Nov. 11th 1889

Decree

To be entered.

C.H. Orr
Nov 11. 1889

Entered #/

We Consent to
this decree

W. S. Hall & S.
R. S. Thomas Atty

In the circuit court of Isle of Wight county
April term 1889.

David E. Edwards & Nathaniel M.
Edwards Plffs

vs.

George D. Hall and Miles Edwards
the last being an infant under
twenty one years of age Defts

This cause came on this day on the bill of complaint, on the answer of Geo D. Hall this day filed by leave of court with general replication thereto, and on the answer of the infant defendant by R. E. Boykin an attorney at law his guardian ad litem, and was argued by counsel, on consideration whereof the court doth adjudge, order and decree, that one of the commissioners of this court take and report the following enquiries and accounts.

1st Whether or not the lands in the bill and proceedings mentioned are susceptible of partition in kind among the parties thereto entitled.

2nd Who are the owners of said land and what is the share or interest of each.

3d Will it be to the interest of the infant defendant to sell the lands in the bill

and proceedings mentioned.

4th Wether or not there are any liens on the shares in said property, and if so state their amount, priority and dignity.

5th The annual and fee simple value of said land.

6th Take and state an account, showing which of the parties owning an interest in said property is or are indebted to the other for rents and profits, including timber cut, dirt and stone taken and carried away, and including as well any other profit or advantage derived from said land, and also stating what may be due to any party for improvements put on said land, in the way of fences or otherwise, and that the Commissioner file with his report any evidence he may take in noting the same.

A. copy.

Teste,

L. P. Young clk.

Edward v.
C. B. & Q. R.R. Co.
Hall et al.

Chy. Dec. Local.
1889.
Feb 27

Edwards et. als.
vs
Hall Geo. F.

This cause come on this day on the bill of compl'aint, on the answer of Geo. F. Hall this day filed with general replication thereto by leave of Court, and on the answer of the infant defendant by R. E. Boyton an attorney at Law his guardian ad litem and was argued by counsel on consideration whereof the court doth adjudge order and decree that one of the Commissioners of this court do take and report the following inquiries and accounts:

1 Whether or not the lands in the bill and proceedings mentioned are susceptible of partition in kind among the parties thereto entitled?

2 Who are the owners of said land, and what is the share or interest of each?

3 Will it be to the interest of the infant defendant to sell the lands in the bill and proceedings mentioned?

4 Whether or not there are any liens on the shares in said property, and if so state the amt, priority and dignity?

5 The annual and fee simple value of said land

6 Take and state an account showing which of the parties owning an interest in said property is or are indebted to the others for rents & profits including Timber cut, sold or stray taken and carried away and including as well any other profit, or advantage derived from said land and also stating what may be due to any party for improvements put on said land in the way of fences or otherwise and that the Commissioner file with his report any evidence he may take in making same.

Edmunds et. al.

vs

Hall et. al.

April Ten 1889

Decree to be entered

C Noble

Entered #23

Edwards et als.

Vs

Hall et als

The undersigned your commissioner begs to report that he has paid out the money in his hands as required by a decree herein of April 1890 a copy of which is herewith filed, and herewith returns his voucher except that of G.F.Hall who received his part in the way of payment on a tract of land which he bought. under a decree in this cause.

Respectfully Submitted

W. S. Holland Spc. Comr.

Edwards et. al.
vs
Hall et. al.

Report of distributions
by W.S. Hallows

Filed by leave of court
April 24th 1893.

Edwards

vs.

Hall and others

The undersigned has the honor to report that pursuant to a decree a copy of which is herewith filed as a part hereof he advertised the property as directed therein on the it being court day offered the property for sale as two tracts as directed at which sale David E. Edwards and Nathaniel M. Edwards became the highest bidders and purchasers of the part ordered to be first sold called the two third part of The Emmanuel Edwards tract it being the part ordered to be first sold at the price and sum of two hundred and fifty dollars and Geo. F. Hall became the highest bidder and purchaser at the price and sum of two hundred and forty nine dollars for the other part called one third and described by Commissioner as adjoining the lands of Geo. F. Hall.

Your Commissioner reports that he has collected no money and has paid out no money. He says both parties desire to pay in cash and take a deed and he says the purchasers being parties in interest he recommend they be allowed to use their shares in the fund as part of their respective purchases. Your Commissioner recommends the confirmation of sale.

Respectfully
W. S. Holland

Edwards et al
vs
Agee et al

Report of Spc. Comm.
to S. Court

Filed Apl. 21st.
1890.

In the Circuit Court of Isle of Wight
county April term 1890.

Edwards etals Pltfs
vs. } In Chancery
Hall Geo. F. etals Defts

This cause came on this day to be heard on the papers formerly read and on the report of N. S. Holland special commissioner, this day filed by consent of parties, and was argued by counsel for plaintiffs & defendant on consideration whereof, the court doth adjudge order and decree that said report of N. S. Holland special commissioner be and the same is hereby confirmed, and that the said N. S. Holland special commissioner collect the purchase price of the two tracts from the purchasers respectively and pay the same out as follows.

First pay all the cost and effenses of suit and sale.

Secondly pay the parties entitled as ascertained by the report of Commissioner Atkinson, that is to say, one third to Geo. F. Hall, one half to David E. and Nathaniel M. Edwards jointly and the balance one sixth to the guardian of Miles Edwards, the infant defendant, and that said Geo. F. Hall pay pro rata to said David E. Nat. M. and Miles Edwards the sum of $10 50

And the court doth further adjudge

order and decree, that W. S. Holland who is hereby appointed a Special Commissioner for that purpose, upon payment of whole purchase price make to said purchasers each respectively a good and sufficient deed with special warranty conveying to both the lands purchased, and make report to court.

A copy Teste. N. P. Young Deputy
for N. P. Young Clk.

Atto. fee & tax . . 16.50 Paid W.S. Holland acty
Clerk's fees Ct. N.P.Young 11.62 Deft. costs —
Sheff: . 3.90 Pd Ro. A. Edwards Sff.
Comm. fee (A) 10.00 Paid Geo. R. Wilkinson
Clk: Cy. Ct. for Aff. Ct. N.P.Young 66
Sheff's. Costs $ 44.68
crier fee 5.00 Pd Ro. A. Edwards Crier

Paid for bills	1.00	
Comm.	18.98	Paid W.S. Holland and
Defend costs	1.65	paid as per receipts in papers
Drawing &c 2 deeds	10.00	Paid. W.S. Holland
	$82 31	
Bal. in hand for parties	416.69	
Buy and colunded		$499.00

1/3 of 416.69 = 138.89 2/3 = Rev. F. Hall, shere
1/2 of 416.69 = 208.34 1/2 = D. E. & N. M. Edwards shere
1/6 of 416.69 = 69.44 5/6 = Miles Edwards shere

Edwards et als
vs.
Hall G. F. et als
Decree of April term 1[illegible]

203.34
30.00
233.34

250.00
30.00
280.00
233.34
21.64
1.50
14.24

Rec'd of W.S. Holland Spe. Comr. our shares as per the above statement in full

D. E. & N. M. Edwards by
his
Miles X Edwards
mark

Wilness C. I. Haynes

Hall George H.

Edwards

Hope N. Face &c

1889 To the Clk of Isle of Wight Cir. Ct.

Mar - atto. at. Edwards V. Rule VO. filing ans. 5. .75.

N. P. Young clk -

Hall Geo. F.

pl. Thomas

Ats.

.90.

Edwards

Geo. D. Hall /for Thomas etts.

1889 To Clerk Cir. Court Isle of Wight Co. . . . D^{r}

Mar. Copy Edwards' bill in Chy. & Jour .90

N. P. Young Clk

R. S. Thomas,
Attorney at Law
Practices in the Courts of Isle of Wight, Surry, Southampton and Nansemond Counties.
Smithfield, Va.

March 28th 1889

My Dear Sir:

I received your postal a day or two ago, and a copy of the bill in chancery of D. E & Mr. M. Edwards last night, and inclose an Answer for your signature, which, you can when signed, send over to Mr Young to be filed in the suit. You will see that you do not admit in the Answer the purchase by them of the share of Indiana Edwards. She is living in Richmond with Dr. W. F. Davidson who married the niece of my wife, and I thought I would write to Dr. Davidson by this mail & ask if she has sold her interest, & if not, what she would

change you fit. I will enclose that bill as this for your inspection and approval to be forwarded if you see fit. If you had her share it might facilitate the Division and be equal parts.

Very Truly &
R. S. Thomas

Rev: F. Hall Esq

P. S. My wife has just informed me that the woman sick Dr. Davidson is Indiana Carroll, & not Edward as I thought.

The account showing which of the parties owning an interest in the land in the bill and proceedings mentioned is or are indebted to the other for rents and profits, including timber cut, & ist and strawy taken and carried away and including as well any other profit or advantage derived from said land and also of stating what may be due to any party for improvements upon said land in the way of fences or otherwise.

B.

Amount received by the owners of said land except Lucy F. Hall for rent	40	00
Timber cut off said land and sold by Lucy F. Hall	30	00
Hist and straw taken and carried away by same	4	00
Rails cut by same	1	75
	75	75
Total amount received by Lucy F. Hall	2	5 75
Her share of same and of rents	25	25
Amount due by him to the other owners.	10	50

b.

	The Lunatic's Value	Annual Value
The account of the fee simple and annual value of the Emanuel Edwards land	450	00

Law and Chancery Office
Isle of Wight C. H. 18th 1889

To the Circuit Court of Isle of Wight County

Pursuant to a decree of the said court rendered at the April Term 1889 in a suit in chancery pending therein between David E. Edwards and Emanuel M. Edwards infants who sue by Lucy F. Hall and Walter Edwards an infant who sues by [illegible] his next friend [illegible] the undersigned [illegible] Commissioner of this court to whom was referred, [illegible] the following inquiries and accounts to wit 1st Whether or not the land in the bill mentioned are susceptible of partition in kind among the parties thereto entitled. 2nd Who are the owners of said land and what is the share and interest of each. 3rd If it be in the interest of the infant defendants to sell the land in the bill and proceedings mentioned 4th Whether there are any liens on the shares or said property. 5th The annual and fee simple value of said lands, 6th An account showing which of the parties owning an interest in said property is or are indebted to the

other for rents and profits, including timber cut, done and down taken and carried away, and including as well any other profits or advantages derived from said land and also taking what may be due to any party for improvements put on said land in the way of fences or otherwise, and to cause that on the 15th day of July 1889 he issue notices against the said parties requiring them to attend the taking of the said inquiries and accounts at his office aforesaid on the 29th day of August 1889 which notices were returned to your commissioner duly executed and the said parties not appearing in obedience to said notices he caused the taking of the said inquiries and accounts from day to day and time to time until the 18th day of December 1889, when he appeared and upon examination of the said parties and other witnesses he reports that the said land is not capable of partition among the parties entitled thereto; that the owners of said land are George F Hall owning building, Mary E Edwards owning one fourth Nathaniel W Edwards one fourth and Wales Edwards one fifth. That there is only little of said land that is arable or capable of being made so; it being mostly hillsides or swamp except on one side next Main and there are a few acres of level land interspersed among ravines, so that if any one got in the partition more than his land for any practical use the shares of the others would be almost

[illegible] he caused the taking of the said inquiries and accounts from day to day and time to time until the 18th day of December 1889, when he appeared and upon examination of the said parties and other witnesses he reports that the said land is not capable of partition among the parties entitled thereto; that the owners of said land are George F Hall owning building, Mary E Edwards owning one fourth Nathaniel W Edwards one fourth and Wales Edwards one fifth. That there is only little of said land that is arable or capable of being made so; it being mostly hillsides or swamp except on one side next Main and there are a few acres of level land interspersed among ravines, so that if any one got in the partition more than his land for any practical use the shares of the others would be almost

[illegible] in 1887 a survey of said land was made by E Robinson in the county surveyor, [illegible] by request of Nathaniel W Edwards and the said [illegible] made a plat of said land which is herewith returned marked A and marked off on said plat one third thereof in quantity adjacent to other land of George F Hall who took possession of the same [illegible] and received rents of some about three years thinking that the allotment to him was by the Court and at the instance of at least the adult parties but on being informed to the contrary he stopped using said land as his own. Your commissioner is of the opinion that it is to the interest of all parties and especially of the infant Wales Edwards to have said land sold and land which to be of no value to him. That the said land should be sold and the proceeds divided among the parties entitled thereto and he would recommend that the commissioner of sale be directed to sell the [illegible] as provided in said plat. That it may be well that the [illegible] of the part supposed to be allotted to George F Hall and the other one third. Your commissioner would report that it is due by the said parties and would be to the benefit of the infant.

Your commissioner further reports that the [illegible] of said land

shown by Lessee [illegible] at said [illegible] and [illegible] and
[illegible] the [illegible] and [illegible] and [illegible] [illegible] the
rent to [illegible] Lessee also. He also shown by [illegible] that George F Hall
was the [illegible] for prospects drawing from land and that was
in his possession. Of which there is title is in dispute to Lessee. There
exhibits to Mr Edmund Mr Brown and two exhibits were provided to Miles
Brown.

He also reports that there were [illegible] of the shares of said land
and that no improvements in the way of fences or otherwise were upon part
by any of the parties thereto.

Lessee made no reports as to conveyance of [illegible] and the day and
year first aforesaid.

Geo R Atkinson

Lessee employed Osborne & Ridge

Osborne shown attendance as witness & swp.

Abstracts of Wills

of

Hall County

Transcription of Settlements
Report
made to the April Term 1889

I E. P. Ferguson do solemnly swear that under a Contract made with Geo. F. Hall alone, I purchased and have cut from the tract of land in Isle of Wight County, known as the Emanuel Edwards tract, about thirty thousand feet of lumber (in the Spring of 1887) for the sum of Thirty dollars, which in my estimation was a fair price for the said timber. And that the said timber was represented to me as standing on that portion of the said tract of land which had been cut off by E. N. Morrison Surveyor, and assigned as the said Halls portion of the said tract, and that I paid to the said Hall the said sum of Thirty dollars. So help me God.

E. P. Ferguson

State of Va.
Isle of Wight County, to wit:
I, A. P. Young a Commissioner in

of the Circuit Court of said county do certify that the foregoing affidavit of E. B. Ferguson was subscribed & sworn to before me on this 26th. day of Augt. 1889,

H. B. Young Circuit
Clerk

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—Greeting:

WE COMMAND YOU TO SUMMON C. L. Jordan, James E. Edwards and Anthony Liggin

Geo. R. Atkinson comm'r. in Chancy

to appear before the Judge of our Circuit Court of Isle of Wight county, at the Courthouse, on the 18 day of Dec, 1889 ~~next~~, to testify and the truth to say in behalf of the plaintiffs

account before said Comm'r.

in a certain matter of ~~controversy in our said Court before our said Judge~~ depending and undetermined between D. E. Edwards et al plaintiff, and Geo. D. Hall et al defendants. And this they shall in no wise omit, under the penalty imposed by the law. And have then there this writ.

WITNESS, N. P. YOUNG, Clerk of our said Court, at the Courthouse, this 9th day of Dec. 1889, in the 114 year of the Commonwealth.

N. P. Young clk.

NOTE.—If witness desires his attendance entered he will inform the Clerk before leaving Court.

Edward D. E. et al.

vs. Zz Sha.

Hall G. D. et al.

//

To 18. Dec. 1889.
before cond. al C. H.

✓

Executed
Decr. 16th 1889.
Ab. A. Edwards
Sheff

Everett Waddey, Stationer and Printer, Richmond, Va. } Form No. 401.

The Commonwealth of Virginia,

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

You are hereby commanded to summon Anthony Liggins

personally to appear before the undersigned, one of the commissioners in chancery of the Circuit Court of the County of Isle of Wight, at his office, at the court-house of said county, on the 8th day of Septr. 1889. ~~next~~, to testify and the truth to say in behalf of the Plaintiffs

in a certain matter of accounts

referred to the said commissioner for enquiry & report, by a decree of the said court in a suit in chancery therein pending between D. E. Edwards & al, Pltffs, and Geo. F. Hall & al, Defts,

And this he shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, G. W. Watkins, Commissioner of the said court, at the court-house of said county, the 4th day of Septr, 1889, and in the 114, year of the Commonwealth.

Geo F Hall

Edwards et al,

In re. } WITNESS' SUBPŒNA.

Hall et al,

To 8. Sept. 1889,

Executed by delivering a copy of this Summons to the within named Anthony Ferguson 8th Sept 1889.

L. E. Inman Sh'ff.
R. A Edmunds Sh'ff

Everett Waddey, Stationer and Printer, Richmond, Va. } Form No. 401.

The Commonwealth of Virginia,

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

You are hereby commanded to summon Charles E. Jordan and James E. Edwards & Auditing Virginia Co.

personally to appear before the undersigned, one of the commissioners in chancery of the Circuit Court of the County of Isle of Wight, at his office, at the court-house of said county, on the 29th day of August, 1889 ~~next~~, to testify and the truth to say in behalf of the plaintiffs

in a certain matter of accounts

referred to the said commissioner for report, by a decree of the said court in a suit in chancery therein pending between W. E. Edwards, Jr. Ex., Edwards Exrs. and Geo. T. Hall et al., Defts;

And this they shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, N. P. Young Clerk, ~~Commissioner~~ of the said court, at the court-house of said county, the 14th day of August 1889, and in the 114 year of the Commonwealth.

N. P. Young Clk.

Edwards et al.

vs. } WITNESS' SUBPŒNA.

Hall et als.

To J. G. August
1889.
at C. House

Executed in the
within Aug 28th
1889.
Ro A. Edwards
Shff

The Commonwealth of Virginia,

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

We command you that you summon [illegible]

to appear at [illegible]

in the County of Isle of Wight, on the 2[illegible] *day of* [illegible]
18[illegible], *before* [illegible]

to testify and the truth to speak on behalf of George F. Hall

in a matter of controversy pending in the Circuit Court for the County of Isle of Wight between [illegible]

Plaintiff and [illegible]

Defendant

And have then there this writ.
Given under my hand this [illegible] *day of* [illegible] *18*[illegible]
Signed [illegible]

Executed Augt. 24th
1889.
R. A. Edwards
Supt.

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON George F. Hall and Miles Edwards, the Latter being an infant under twenty one years of age.

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 February next, to answer the Bill in Chancery of David E. Edwards and Nathaniel M. Edwards

~~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 29th day of January, 1889, in the 113th year of the Commonwealth.

N. P. Young clk

Edwards H. E. &
N. M.,

Z Saucs. in
M. B Cty.

Hall & Edwards

To Feby. Rules 1889

W. S. Holland
Atty.

Executed on
Geo. F. Hall
July 1st 1889.
R. A. Edwards
Sh'ff.

The separate answer of Miles Edwards an infant under the age of twenty one years by R. E. Boykin his guardian ad litem, assigned to defend him, to a bill of complaint exhibited against him and others by D. E. Edwards and others in the circuit court of Isle of wight county:

This respondent reserving the benefit of all just exception to said bill of complaint, for answer thereto or to so much thereof as she is advised it material he should answer, by his said guardian ad litem, answering saith:

That he is an infant of tender years; and is therefore incapable of taking care of his interests or of understanding the same. He, therefore, by his said guardian ad litem, commends himself his rights, and his interests to the court and prays that no decree be pronounced against him prejudicial to his rights:

And having fully answered he prays to be hence dismissed with his costs in this behalf expended. And he will ever pray &c.

R E Boykin Gd. ad litem
of Miles Edwards

Hall et. als.

Ads } In chancy

Edwards et. als.

In fauēs Answer
by his g'dn. ad litem -
R. E. Bykin atty at Law

R. E. B -

Plem sign this
and mail it to
Mr. Young by
return mail
U.S. H

March Rules 1889.
1st Monday. Filed

Edwards D. E et-al

V.

Hall G. F. et-al

The answer of George F. Hall one of the Defendants to the bill of Complaint exhibited against him and others in the Circuit Court of Dane County by David E. Edwards & Nathaniel M. Edwards

This Defendant now and at all times hereafter saving and reserving to himself all benefit and advantage of exception which can or may be had or taken to the many errors, uncertainties and insufficiencies in the said bill contained for answer thereto, or to so much thereof as he is advised it is material or necessary for him to answer this Defendant answering, saith

1 That he admits the allegations of the plaintiff bill relative to the death of Emanuel Edwards in 1867, his will, the tract of land, and the names of the devisees, and the ~~ownership~~ ownership of the two shares, or so by this Defendant; but he denies the shares of the said David E and Emanuel Nathan as and calls for the proof of the same.

2 This Defendant denies the survey and the number of acres and calls for proof of the same.

3 This Defendant avers that he on the

21st Day of January 1886 bought the interest of James E. Edwards and David E. Edwards in the tract of land aforesaid and that shortly thereafter R. M. Whitby who married L. V. Edwards representing her and the two minors undertook with the aid of Wm. Pierce Mathew Mumford and J. B. Porter to make an equitable partition of the land with the defendant understanding that neither party was to be, or could be (as then) bound by the informal partition, or views, of the gentlemen aforesaid. The views of the said gentlemen were not accepted by this defendant because they designated for his share very much less than he considered himself entitled to. But the share they assigned to this defendant was on this defendants land. Last summer these complainants, or either, had a survey made by E. M. Morrison County surveyor and by this survey at least one half more was given to this defendant that by the gentlemen above mentioned, but the survey & plot of made out officially by the said E. M. Morrison, and delivered to the said complainants, has not been shown to this defendant. The land assigned to this defendant by the Morrison survey lies also adjoins this defendants other property.

It was the understanding between the said Whitley & this Defendant that this Defendant should take his part of the aforesaid tract of land and make what use he cared of it, and that the other parties named take the other part and make what use they saw fit of that part. Acting on this understanding this Defendant got his part of said 130 M worth of lumber off of the tract to Fergusons Bro on June 25th 1887, and has cut 2500 rails, and has raked up and removed some straw, but did no damage to the land in the removal of the straw. The complainants have received in all nearly as much as this Defendant has received in lumber, and they could have received more if they had wished the placement, or if they had cultivated it themselves. They can cut off of their part just as many rails, and haul out just as much straw, as this Defendant has cut and hauled off of his, and then they would be perfectly even and square. This was the understanding as aforesaid between the said R. M. Whitley and this Defendant, with this in addition: that as the farm was so small and of but slight value they would not undertake to divide it now by the costly process of

a chancery suit, but by an amicable settlement between themselves when the minors came of age. And this Defendant asks this Court to delay this suit, and to stop its expenses, until a private settlement is tried, & proved abortive. But if the Court will not allow this then he asks that his third shall be allotted to him in Kind, & the balance sold & disposed of as the parties please.

And having answered he prays hence to be dismissed with his reasonable costs in this behalf expended: and he will ever pray &c

Hall Q. F.
ads. 3 Jr clerk.
Edwards Chancellor.

To the Hon. C.W. Hill judge of the circuit court of Isle of wight County:

Your complainants David E. Edwards and Nathaniel M. Edwards humbly complaining respectfully represent: That Emmanuel Edwards died on or about the year 1867 leaving a will, a copy of which is herewith filed as an exhibit marked "A" and asked to be read as a part of this bill, by which he devised to the heirs of Timothy Edwards a certain tract, piece or parcel of land lying and being in the County of Isle of wight called the "Emmanuel Edwards tract" adjacent the lands of Joel Edwards, Jno. T. Turner & Col. Geo. F. Hall. That the names of said devisees are as follows: Your complainants, Laura V. Edwards, Indiana Edwards, James Edwards and Miles Edwards them being the children and heirs of said Timothy Edwards:

Your complainants say that by purchase Col. Geo. F. Hall owns two shares or one-third of the said tract of land, that your complainants own by said devise and by purchase three shares or one half said tract of land and that said Miles Edwards owns one share or one sixth of said tract and that said Hall and said Miles Edwards and your complainants own the whole in the proportions aforesaid:

Your complainants say that tract of land

by a recent Survey contains 135 acres and is part covered by the waters of a mill pond, part swamp, part focosin, and a part arable, say 15 or 18 acres, and in their opinion can not be divided in kind among the parties entitled thereto without great sacrifice and they are of opinion and do so represent that a sale of said tract and a division of the proceeds would be wise and prudent and would enable your complainants who are my poor young men to realize more from their interest therein:

Your complainants are advised that they are entitled to have said tract of land partitioned either by a sale and division of the proceeds or divided in kind:

And your complainants charge and allege that said Col. Geo. F. Hall since the date of his purchase aforesaid has cut and carried away or caused to be cut and carried away a lot of valuable timber from said land the exact value of which they do not know, but in their opinion it was worth sixty or seventy dollars the greater part of which was manufactured into timber at some saw-mill and the other part was manufactured into fence rails and they say that said Hall has taken from said land a large lot of straw,

trash, and dirt used by him for manure on other lands than the tract herein before mentioned and described, and that by taking off said trash, straw and dirt said Hall has damaged said land very much. They are of opinion and do so charge that said straw, dirt and trash was worth thirty or forty dollars and that the damage to said tract of land caused by the removal of said straw dirt and trash is greater by far than its actual value to said Hall.

Your complainants admit that they have for one year since the purchase by said Hall collected about twenty dollars rent for a portion of said land and they are advised that they are entitled to enjoy a share in the price and value of said timber, lumber, straw, dirt and trash and that the value of the same should be deducted from the interest in the proceeds of the sale of the interest of said Hall or if the land is not sold then they are entitled to compensation for said damage.

And whereas your complainants are without remedy save in this Hon. Court where such matters are alone and properly cognizable they therefore pray that said Geo. F. Hall, and

said Miles Edwards the last named is an infant under the age of twenty one years, he made parties defendants to this bill and required to answer the same, but an answer on oath is hereby expressly waived, that said tract of land be sold and the proceeds divided amongst the parties entitled thereto or if in the opinion of the court a division in kind is best under all the circumstances then they pray that the same may be divided in accordance with the rights of all the parties, that said Hall be required to pay for the timber, lumber, dirt, trash and straw by him removed from said tract of land as above alleged, that the court may allow Counsel for the complainants a reasonable fee for his services herein, that all orders be made, all enquiries and accounts be directed and taken, all commissions appointed as the nature and circumstances of this case may require, that all such other, further and general relief may be afforded your complainants as the nature of their case may require or to equity and good conscience may seem meet. And they will ever pray &c. &c. Let a subpoena go.

W. S. Holland

W. S. Holland p. q.

Edwards D. E. et. als.

vs

In chancery

Hall Rec. T. et als

Bill of Complaint

Filed. Rec. 1889.

Bill ord. filed, summons issued on deft. Hall & decree nisi as to him.

" March Rec. 1st Monday. Gdw. ad litem appted. for infts. defts - his answ. filed & guard. refused.

" March Rec. 3d. Monday. Set for hearing on pltf. mot.

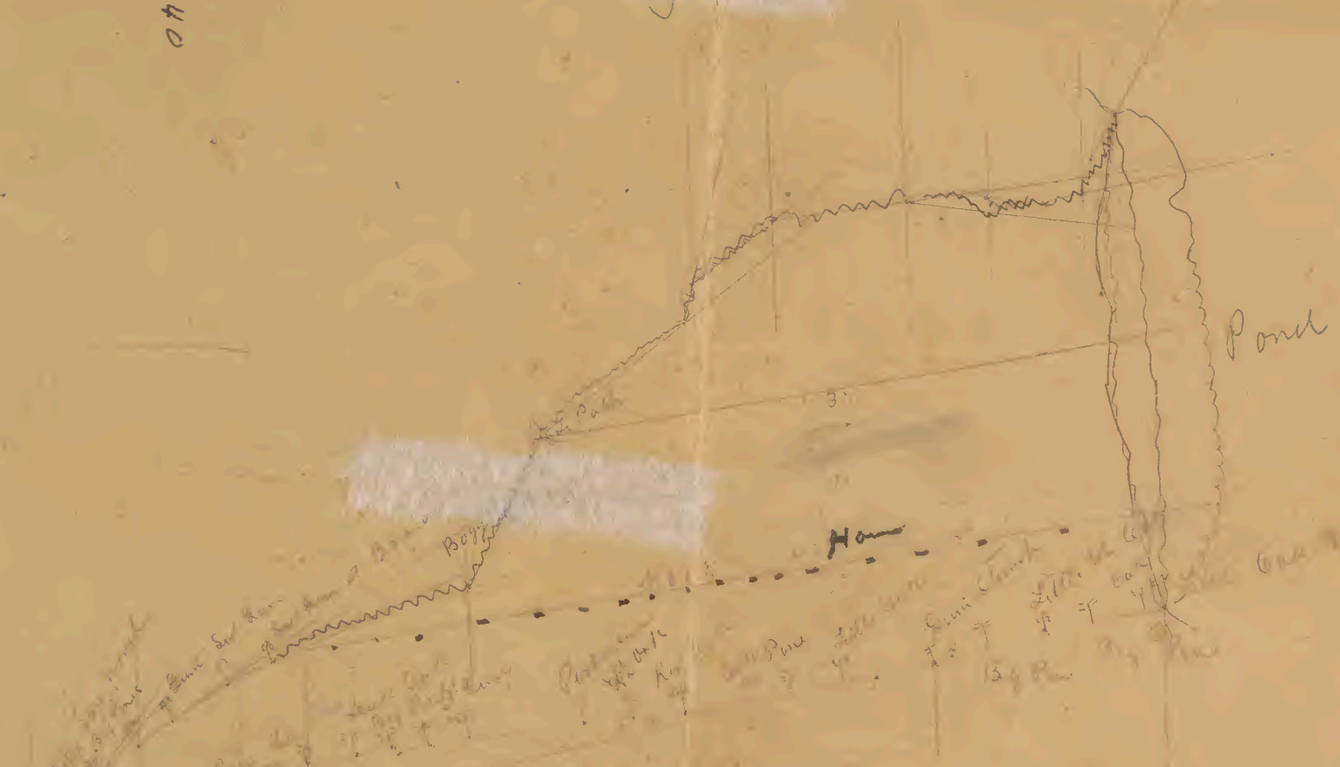
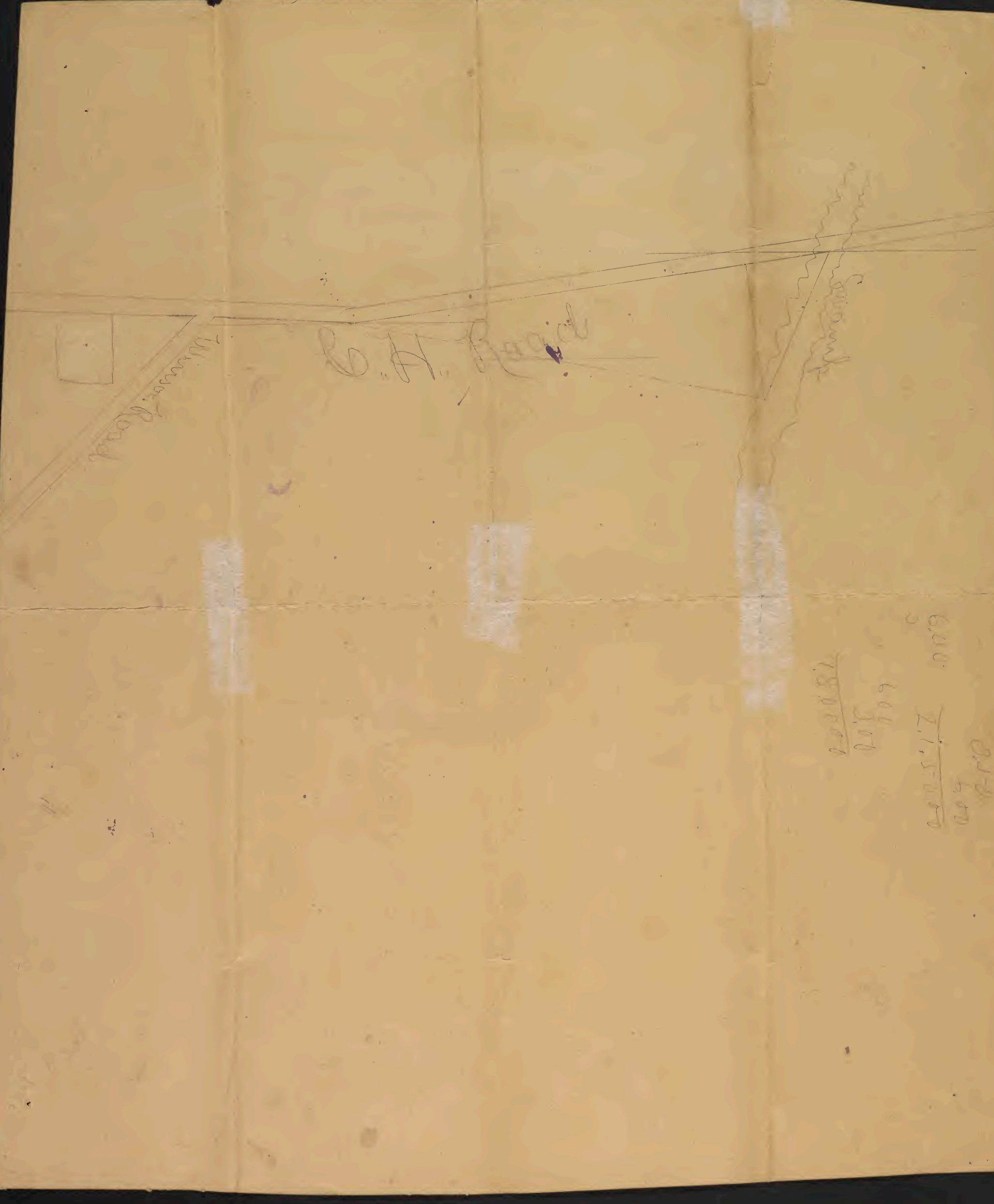
"

Nov. 11th 1889 decree making this a vacation cause

April term 1890

Rec. to collect, execute deed distribute &c.

April 1890 Dismissed


Pond
Branch
Bog
Pine
Pine
Pine