1909-035 Chancery Causes. Effie Copeland v James S. Copeland VS James T. Lowe v al

Dsle of W ight County

other SURNames: Eduards, Holland

This deed, made this 1st. day of Jan. One Thousand Eight Hundred and Seventy Nine, between Joel P. Holland, of the County of Isle of Wigght and State of Virginia, the party of the first part, and Margaret Edwards of the aforesaid County and State of the second part,

W I T N E S S E T H: that for and in consideration of the sum ~~~ cash in hand paid before the sealing and delivery of this paper by the party of the second part unto the party of the first part. The party of the first part doth hereby grant, bargain and sell unto the party of the second part, a piece or parcel of land lying in the County of Isle of Wight, containing by estimation ten acres, be the same more or less, and bounded as follows: On the North by the lands of James E. T. Joyner, East by the land of Wm. H. Vaughan, West by the land of Joel P. Holland, South by the same. The party of the first part feeling that he has the right, he does hereby convey all of his right, title and interest in said land unto the party of the second part and do hereby warrant and defend the same unto them generally.

Witness our hands and seals this 7th. day of April, 1879.

J. P. Holland, (SEAL).

State of Virginia.

County of Isle of Wight, To-Wit:

This day personally appeared before me in my said County Joel P. Holland and acknowledged his signature to the foregoing deed.

Given under my hand and seal this 7th. day of April, 1879.

T. J: Clements, J. P.

In the Clerk's Office of Isle of Wight County Court, the 7th. day of April 1879. This deed from Joel P. Holland to Margaret Edwards was received and admitted to record upon the annexed certificate of T. J. Clements & J. P.

TESTE: W. A. Edwards, D. C. for

N. P. Young, Clerk.

A copy, Teste: N. P. Young C.C.

Joel P. Hallard
To 3 B.D.
Margaret Schmidt
Copy

Effie Copeland et als
vs
J. T. Lowe et als.

This cause came on this day to be heard on the bill of complaint taken for confessed as to the adult defendants, who have been duly summoned, they still failing to apear, plead, answer or demur; on the answer of the infant defendants by their guardian ad litem duly assigned at Rules with general replication thereto and was argued by counsel.

On consideration whereof, the court doth adjudge, order, and decree that one of the commissioners of this court take, state, and report to court the following inquiries and accounts:

(1) The annual and fee simple value of the land in the bill and proceedings mentioned together with the liens thereon, if any, for delinquent taxes or otherwise, stating their priorities and dignities.

(2) Whether or not the land in the bill and proceedings mentioned can be partitioned in kind among the parties thereto entitled?

(3) The names of the parties entitled to a share in the proceeds of the sale, if a sale is made, together with what portion each is entitled to receive.

(4) Any matter deemed pertinent by the commissioner taking this account or which may be required to be taken, stated, and reported by any party in interest.

Effie Copeland et als
vs
J. T. Lowe et als

D E C R E E .

To be entered.

June 6th, 1905.

Robert E. Lewis

R. O. B. #6 page 438

I, Wm.S.Holland, do solemnly swear that I am well acquainted with the Margrett Edwardw tract of land in the bill and proceedings mentioned in the suit of Copeland vs Lowe et als, and that it is said to contain ten acres, more or less, and cannot be partitioned in kind among the parties thereto without materially dmininishing the value of the same, in fact if didvidedin that way, the shares would be practically worthless. This land is worth from two hundred and seventy five dollars to three hundred. I think the last named sum would be a fair cash value for the same from the standpoint of the heirs at law.

Wm S. Holland

Subscribed and sworn to before me, A.S.Johnson, Commissioner in Chancery of the Circuit Court of the county of Isle of Wight, Virginia, this 29th day of September 1905.

A.S. Johnson Comr. In Chacery.

COMMISSIONER'S OFFICE?

ISLE OF WIGHT COUNTY, Sept. 30th. 1905.

To the Hon. Robert R. Prentis, Judge of the Circuit Court of Isle of Wight County.

Pursuant to a decree of your Honor's Court in the suit generally styled Copeland, et als. versus Lowe, et als. rendered on the 6th. day of June, 1905, which said decree directs that one of the Commissioners of this Court take, state and report to Court the following inquiries and accounts, to-wit:

1st. The annual and fee simple value of the land in the bill and proceedings mentioned, together with the liens thereon, if any, for delinquent taxes or otherwise, stating their priorities and dignities.

2nd. Whether or not the land in the bill and proceedings mentioned can be partitioned in kind among the parties thereto entitled.

3rd. The names of the parties entitled to a share of the proceeds of the sale, if a sale is made, together with what portion each is entitled to receive.

4th. Any deemed pertinent by the Commissioner taking this account or which may be required to be taken, stated, and reported by any party in interest.

Your Commissioner begs leave to report that on the 25th. day of September, 1905, he issued notices to the several parties defendant to the said suit to attend the taking of said inquiries and accounts as directed by said decree at his office at Isle of Wight Court House on the 30th. day of September, 1905, which said notice showing the service thereon is herewith filed.

Your Commissioner begs leave to report that, from the affidavit of Wm. S. Holland herewith filed that the annual value of the said tract of land, it being such a small place, is practically nothing, and the fee simple value is hardly over three hundred dollars. You r finds no liens thereon for delinquent taxes or otherwise.

Your Commissi oner does not believe that the said land can be partitioned in kind among the parties thereto entitled advantageously , and recommends that the said tract of land be sold and the proceeds thereof be paid to the parties entitled to receive the same.

The names of the parties entitled to share in the proceeds of sale, if sale be made, are as follows: _____

_____

_____

_____

Respectfully submitted,

_____

Commissioner in Chancery.

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon James T. Lowe, R. Lowe, Blanch Lowe and Susie Lowe the last three are infants under the age of twenty one years

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight at the rules to be held for the said Court, on the First Monday in May 1905, to answer a bill in chancery, exhibited against them in our said court ~~for~~ by Effie Copeland who was Edwards and J. S. Copeland her husband

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 21st day of April 1906, and in the 129 year of the Commonwealth.

N. F. Young Clerk

Effie Copeland et al

vs. { SUBPOENA IN CHANCERY.

James T. Lowe et als

Wm S. Holland p. q

To First May Rules,
Circuit Court.

B 33119

Executed April 27th 1905
by delivering to James
S Lowe a true copy of
the within Spa in the
S W Lee shff

Fee, 50cts paid
S W Lee shff

J. T. Lowe et. als.

vs

Effie Copeland et. als.

The answer of R Lowe, Blanch Lowe and Bessie Lowe infants under the age of twenty one year of age by S. H. Williams assigned to defend them in this suit, and the answer of said S. H. Williams guardian ad litem as aforesaid, to a bill exhibited against them and others by Effie Copeland and others in the circuit court of Dale County Alabama.

For answer to the said bill the said infant defendants by their said guardian ad litem, answer and say, they are of tender years and do not fully understand their interests in the premises, nor are they prepared to admit or deny the allegations of the bill. They confide the protection of their interests to the court and they pray that no order or decree be entered which will in any way tend to their prejudice.

And the said guardian ad litem of said infant defendants says he is not advised fully as to the allegations of the said bill. He prays for the full protection of the court for said infants.

And now having fully answered these defendants pray to be hence dismissed with their costs in this behalf expended &c.

E. H. Williams.
Guardian ad litem.

J. T. Lowe et. als.

ads

Effie Le Seelund et. als.

Answer of guardian ad litem -

Filed June 6th 1905 -

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

TO THE HONORABLE,ROBERT R. PRENTIS,
JUDGE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Effie Copeland who was Edwards and James S. Copeland, her husband, complaining, respectfully represent to the court; that on or about the 8th day of October 1903, Margaret Edwards of the County of Isle of Wight in the State of Virginia, departed this life intestate, leaving as her only heirs at law a daughter, your complainant, Effie Copeland and three grandchildren as follows: R. Lowe, Blanch Lowe, and Susie Lowe, who are infants under the age of twenty-one years, the children of Alice Lowe who was Edwards, by her husband James T. Lowe who still survives her and resides in the County of Greensville in the State of Virginia. The said daughter is entitled to one moiety in the land of her mother, the said Margaret Edwards, deceased, and the three grandchildren are likewise entitled to one moiety in said land, each grandchild being entitled to one-sixth interest in said land.

Your complainants say that on the first day of January 1879, J. P. Holland conveyed to the said Margaret Edwards a certain tract of land, situate in the county of Isle of Wight in the State of Virginia, and containing by estimation ten acres, be the same more or less, and is bounded by the lands now or late of James E. T. Joyner, Wm. H. Vaughan and Joel P. Holland, by a deed, a copy of which is hereby filed as an exhibit marked "A", and prayed to be taken and read as a part of this bill of complaint. Your complainants say that the said Margaret Edwards took possession of the said land on the first day of January 1879, and that she died seized and possessed of a fee simple title in and to the said land.

Your complainants say that they are advised that they are entitled to have the said tract of land partitioned. They say that the said land cannot be partitioned in kind without serious loss to the said heirs, because the tract is a small one and will sell for a good price as a whole, but if divided, it would be too small for use as a farm

and could not be sold to an advantage.

For as much as your complainants are without remedy, save in this honorable court, where matters of this sort are alone and properly cognizable, they pray that the said James T. Lowe, R. Lowe, Blanch Lowe and Susie Lowe, the last three of whom are infants under the age of twenty-one years, be made parties defendants to this suit and required to answer the same, but an answer on oath is hereby expressly waived, that a guardian ad litem may be duely appointed by the court or assigned at Rules to defend the interest of the said infant defendants; that the said tract of land be partitioned, that the same be sold and after the payment of the cost of the suit and sale, including a reasonable fee to the attorney for the plaintiff, notis that the same will be asked for being hereby given, that the residue of the proceeds of the said sale be paid one-half to your complainant, Effie Copeland and the other one-half to the said three grandchildren; and all such other and further 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.

Effie Copeland by
W.S. Hall and her Atto.

Effie Copeland et als

vs.

Bill

James T. Lane et als

1st May rules 1905. Summons returned executed as to James T. Lane E. H. Williams appointed guardian ad litem

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2d May rules 1905 - Bill filed de nisi.

May 29th 1905 Bill taken for confessed and case set for hearing

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Dismissed April 9, 1909