1878-006
Nansemond Co. (Suffolk)

Chancery Causes: James R. Parker et al vs Wiley W. Parker et al

CHANCERY SUMMONS.

The Commonwealth of Virginia,

To the SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Wiley W. Parker and Francis E. Parker (The last under twenty-one years of age)

to appear at the Clerk's Office of the Circuit *Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in* February *next, to answer a Bill in Chancery, exhibited against them in the said Court by* James R. Parker, Alexina Parker and Marquel A. Parker,

and have then and there this Summons. Witness, ~~WILLIS F. COLLIER~~ Peter B. Prentis, *Clerk of our said Court, at his office, this* 24th *day of* January *1876, in the* 100th *year of the Commonwealth.*

Teste: Peter B. Prentis *Clerk of the Court.*

Executed and a True copy delivered to Wiley W Parker

J. D. Kilgore Sheff

Kilby & Son. for Pl

James R. Parker Jul

vs Sum's in Chy:

Wiley W. Parker Jul

To Feby: Rules. 1876

Pro: Book No: 1. page 84

Cir. Co.

Wily Parker died abt 1861

left widow

Ann P. Parker, now alive

& 5 children

1 — Jas R. Parker

1 Wily W. "

3 Eleanor 21 single

4 Maggie A. 21. "

5. Francis E. under 21.

Land. 1 mile plain 100 acres

old plain 100 Do

Swamp tract 120 Do.

1 mile plain, house

old plain Do. 3

Com to divide ...

Dempsey Ivey

E. C. Riddick

Jas. E. Riddick

Jacob Byrd

Parker Jas R. dec'd

v

Curby W Parker dec'd

Spec Mem.

Parker

Jas R. Parker, Alexina
Parker & Margaret A Parker

v

Curby W. Parker, & Francis
E. Parker (Last Deft.

In Feb'ry 1876
Cir. Ct. Nan'd

Def'ts Answer Cons to Bequests Legacies, Leas
much claims, Lands, & Instruments &c

Virginia:

At Rules, in the Clerk's Office of the Circuit Court of Nansemond County, on Monday, the 7th. day of February, 1876.

James R. Parker, Alexina Parker and Margaret A. Parker. . . . . Complainants.

Against } In Chancery

Wiley W. Parker and Francis E. Parker (the last under twenty-one years of age). . . . . Defendants.

On the motion of the Complainants, by Counsel, Peter B. Prentis, is appointed guardian ad litem, to defend the infant defendant, in this suit: and it is ordered, that the said guardian be notified of his appointment, by serving upon him a copy of this order.

Teste,

Peter B. Prentis, Clerk

1876. Feby. 7th. I hereby acknowledge service of the foregoing order, and that I have received a copy thereof.

Peter B. Prentis.

Gdn. ad litem

James R. Parker Adl:

4
25 Order apptg: gdn: ad litem

Wiley W. Parker Adl:

Jas. R. Parker &al.

v.

Wiley W. Parker. &al.

This cause came on this day to be heard on the Bill of the Complainants Taken for confessed as to the defendant Wiley W. Parker, on whom proof had been duly executed and he still failing to appear & make defence, and on the answer of Francis E. Parker, the infant defendant by Peter B. Pruett his guardian ad litem, with general Replication to said answer, and was argued by Counsel. On Consideration whereof the Court doth adjudge, order and decree that Dempsey Jones (Cy), Edward C. Riddick, Jas. E. Riddick & Jacob Boyd (be and they are hereby appointed Commissioners for that purpose / any three of whom may act) proceed to make partition of the Lands of which Wiley Parker (Cy) died seized and possessed, to wit. The Homeplace in Nansemond County containing 100 acres, more or less — the "Old place" containing 100 acres more or less, also in said County, and the "Swamp tract" containing 120 acres more or less also in said County; which Division to be subject to the Dower Interest of Mrs Ann P. Parker, widow of said deceased, and in making said partition assign to the Plaintiffs & Defendants each, one fifth part of said Lands in value, having regard to quantity & quality, provided such partition can be conveniently made, if not, then allot the same, to such parties as may be willing to accept

the same and pay to the other parties their share of the value of the same; and if this cannot be done, and a sale should be most convenient to the interests of all parties, then to report together with their reasons therefor, and make report to Court of their proceedings hereunder.

Jas. R. Parker Sal.

v.

Emily W Parker Sal

1876

Ape Ct.

Decree

To be entered.

Geo. V Bloss.

Entered

O.B. No. 1. p. 306

James R. Parker & al.

vs.

Wiley W. Parker

On motion of the Plaintiffs by counsel it is ordered that this cause be dismissed.

Parker & al

vs. Chy.

Wiley Parker

Saund. Co. Cir. Ct. Oct. 1878

Order

To be entered

Geo. Blow.

Entered O. B. not p. 417

James R. Parker, Alexina Parker
and Margaret A. Parker

vs

Wiley W. Parker and Francis
E. Parker (the last under twenty-
one years of age)

The answer of Francis E. Parker, an infant under twenty-one years of age, by Peter B. Prentis, his guardian ad litem to the Bill of Complaint exhibited against him in the Circuit Court of Nansemond County, by James R. Parker, Alexina Parker and Margaret A. Parker.

This Respondent answers and says that so far as he knows the allegations and statements contained in the said Bill of Complaint may be true; but that being an infant and ignorant of his rights and interests in the premises, he submits the same to the keeping of the Court and prays that no order or decree may be made herein inconsistent with his rights.

Peter B. Prentis
Guar: ad litem

James R. Parker &als

vs } Answer of
Infant Defendant

Wiley W. Parker &al

To the Hon. Geo. Blow, Judge of the Circuit
Court of Nansemond County, Virginia,

Complaining, shew unto the Court
Your Complainants James R. Parker, Alexina Parker, & Margaret Parker —
Your Complainants respectfully represent to the
Court and say, That Wiley Parker (Cypress)
departed this life, Intestate on the day of
April 1861, leaving a widow named Ann P.
Parker, and five children, to wit: James R.
Parker, Wiley W. Parker, Alexina Parker,
Maggie A. Parker and Francis E. Parker
, the last being under twenty one years of
age — who are the heirs at Law of said deceased.

That the said Wiley Parker (Cypress) died
seized and possessed of three parcels of Land in
Nansemond County, Va. One called the
"Home place" containing 100 acres, more or less,
the "Old place", containing also about 100
acres, more or less; and the "Swamp tract"
containing 120 acres, more or less; That the
Home place & the Old place, have houses on the same
& other improvements — That Dower will be
assigned in the said Lands, to said Mrs.
Ann P. Parker, by proceedings in the County
Court of Nansemond County.

That your complainants desire a partition
of said Lands according to their respective
rights, to wit: One fifth in value each, & the
same to the other children, who are defendants hereto,
if the, ~~Defendants~~ same can be had to the
advantage of all parties, either by division in kind

or by allotment of the said Lands in whole or in part, to such of the parties as will accept the same and pay to the other parties their share of the proceeds, or a sale of said Lands including the Fee simple in that part that may be assigned to the widow as Dower, if it should appear to the Interests of the parties entitled —

In consideration whereof, ~~the said~~ and as this Court has power to grant due adequate Relief, To the End your Complainant pray that the said Wiley W. Parker & Francis E. Parker (the last under 21 years of age) may be made defendants hereto, and be compelled to answer the allegations herein, that partition, or allotment or sale of said Lands may be made as to the Court may seem proper and most conducive to the Interests of the parties, and that such other and further relief may be granted, consistent with Equity &c.

And your Complainants will &c.

James R. Parker
Alexina Parker
& Margaret A. Parker

by
John R. Kilby Sol. for P. C.

Killy Box p. v.

James R. Parker,
~~Alexander Parker~~
Margaret A. Parker

N. E Bill
Lilly N. Parker, &
Francis E. Parker

Cir. Ct. Saund. Co

James R. Parker Tal

vs } Chy: Notes

Wiley W. Parker Tal

1876. Jany: 24th: Summs: in Chy: issued to Feby: Rules. 1876

" Feb: 7th: Bill filed — Conditional decree vs adult defts

" " " Peter B. Prentis apptd gdn: ad litem to infant defts: who filed his answer, to which there was a genl: replication, and cause set for hearing as to him.

" March " Conditional decree confirmed: and cause set for hearing, on motion of Complts Counsel

" April 10th: Decree for partition &c.

" Octo: 12th: Continued

1877. April 14th: Continued

" Octo: 15th: Continued

1878. April 15th. Continued

Chy: Notes

L. 7

James R. Parker

vs } Chy: Papers

Wiley W. Parker and Wiley Wiggins

1879 Oct. Dismissed

All Available Text Successfully Captured