1885-013
Nansemond Co. (Suffolk) Chancery Causes: Paul C. Holland vs William H. Jerrigon et al

Byrd

Note: Exhibit A referred to in bill was not found when processed 2/02 mmc

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON William N Jarnigan and Mary Ella Jarnigan, and C C Holland, Barbara Ann Holland Henry B Holland, Lucilla A Holland, Jos J Holland, and Robt F Holland, the last six, infants under the age of twenty one years.

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 March *next to answer a Bill in Chancery, exhibited against them in the said Court by* Paul C Holland,

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 25th *day of* February *1884, in the* 108th *year of the Commonwealth.*

Teste: Peter B. Prentis *Clerk.*

Rawles. Esq

Paul C. Holland

vs } Summons in Chy.

William H. Jernigan et al.

To March Rules, 1884

Chy. Pro: Book. No. 1 Page
Cuj: Co.

Executed, the 28th. day of February, 1884, and a true copy delivered to William H. Jernigan and Mary Etta Jernigan.

Virginia

At Rules, in the Clerk's Office of the Circuit Court of Nansemond County, on Monday the 3rd: day of March 1884.

Paul C Holland Plaintiff

Against } In Chancery

William H Jernegan, and Mary Etta Jernegan, and C. C. Holland, Barbara Ann Holland, Henry W Holland, Lolla A Holland, Jos G Holland, and Robert F Holland, the last six, infants under the age of twenty one years . . Defendants.

On the motion of the complainant, by Counsel, Peter B Prentis is appointed guardian ad litem to defend the infant defendants, 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

1884. March 3rd: I hereby acknowledge service of the foregoing order, and that I have received a copy thereof.

Peter B. Prentis,

gdn: ad litem

Paul C. Holland

vs In Chy

William H. Jernigan
& Mary Etta Jernigan Adl

Order of Sale: gdn: ad Litem

Know All Men by These Presents,

THAT WE, R. H. Rawles and Hersey Woodward

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Five hundred (500) 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 18th day of October, in the year one thousand eight hundred and eighty-four, and in the 109th year of the Commonwealth. And we hereby waive our homestead exemption as to this obligation.

THE CONDITION OF THIS OBLIGATON IS SUCH, That if the above bound R. H. Rawles

who has ~~this day qualified before the~~ by a Decree of the Circuit Court of Nansemond County, pronounced on the 10th day of October, 1884, in the Chancery Cause of Paul C. Holland Plaintiff, against William H. Jernigan & others Defendants, been appointed Special Commissioner to sell certain Real Estate, in said Cause described, shall faithfully discharge his duties as such Commissioner under said Decree and all other Decrees which may hereafter be rendered in this Cause

~~shall faithfully discharge the duties of his said trust~~, then the above obligation to be void, or else to remain in full force and virtue.

Executed in presence of the Court.
Peter B. Prentis
Clerk of said Court

R. H. Rawles (SEAL.)
Hersey Woodward (SEAL.)
(SEAL.)
(SEAL.)
(SEAL.)

R. H. Rawls, Sheriff Commr

J. J. Bond

Commonwealth

~~~
~~~

Virginia
Nansemond County to wit:-
I R H Rawles a Notary Public for the
County aforesaid do hereby certify that
J. J. Cox. R. E. Whitehead & R. L. Woodward
Commissioners appointed by a decree in
the cau of Paul C. Holland vs Jernigan
et als, appeared before me and made
oath that they would execute their
duties under the said decree to the
best of their knowledge & judgement
Given under my hand this 15th
May 1884.

R H Rawles N.P.

To the Hon. Geo. Blow Judge of the Circuit Court of Nansemond County:-

The undersigned special commissioner appointed by a decree of the Circuit Court of said County on the 10th of October 1884 in the Chancery cause of ~~Paul C. Holland &c vs Ralph Langston vs Fred Allen~~, by which decree the said commissioner was directed to sell the land in the Bill and proceedings mentioned, respectfully reports to Court as follows:- that after having given the bond required by said decree and having otherwise fully complied with all the requirements of said the decree he proceeded to sell the land named in said decree on Monday the 10th of November 1884 that being Court day, at public auction before the Court-house door of said County: that Paul C. Holland became the purchaser at the price of $165 which was the highest bid: that the purchaser has since paid in full for the said land and the proceeds of sale have been

distributed as follows:-

Proceeds from sale of land		$165.00
Paid Peter B. Prentis Clerk	$10.00	
" atto tax & writ tax	31.50	
" Sheriff	1.00	
" Auctioneer	5.00	
" deed to purchaser	5.00	
" Commissions on sale	8.25	
" Printing	1.25	
" Atty's fee by agreement	25.00	
	$87.00	
Report to court	5.00	
	$92.00	
Paid Wm H. Jernigan & Wife	9.12½	
" Paul C. Holland [illegible]	9.12½	
and as guardian for		
" Barbara Ann Holland &	9.12½	
" C. C. Holland	9.12½	
" Henry W. Holland	9.12½	
" Emilia Ann Holland	9.12½	
" Jos. J. Holland	9.12½	
" Robert F. Holland	9.12½	
	$165.00	$165.00

Vouchers have all been filed.
All of which is respectfully submitted.

R. H. Rawls
Special Commr.

Report of R. R. Lands

Special Commr

To the Hon. Geo. Blow. Judge &c:-

Pursuant to a decree of the Circuit Court of Nansemond County dated the 15th day of April 1884 and after having been duly sworn we respectfully report that the land in the Bill and proceedings mentioned consists of a small tract of only 36 acres lying about 14 miles from Suffolk in the upper end of Nansemond County and that it is so situated as to render a division in kind among eight different parties wholly impracticable and unadvisable, for the reason that the parts so divided would be so small and so far from each as to make them of no value whatever, each share being too small for a farm in that part of the County, and for the further reason that the land is so located that it is not susceptible of partition among the 8 different parties entitled thereto. Therefore we recommend a sale of the whole tract and a division of the proceeds, as we think the interest of all parties would be promoted thereby. The land has no appreciable annual value as it is mostly wood land and we think that $200, or $250, at the most, is about its fee simple value. We further report that we were required under the said decree to ascertain and lay off the dower interest of the late widow Martha Holland (Wid Martha Bryan)

in the said land but we find that her dower has already been laid off and assigned her in the said land by Commissioners appointed by the County Court of said County before the institution of this suit, which Commissioners report we herewith file marked "F" as a part of our report, and that the said dower interest has already been sold also before the institution of this suit by the late widow to Paul C. Holland one of the heirs mentioned in the bill by a deed made by the late widow who has since married and her husband A.B. Byrd which said deed is also herewith filed as a part of our report. We further report that we have seen the adult heirs and none of them are willing to take and pay for the said land at our assessment, nor to take any one interest therein.

All of which is respectfully submitted.

J. T. Ed

E. E. Whitehead

R. L. Woodward

Report of Commissioners

Holland

vs

Jernigan et als. In vacation.

This cause come on this day to be heard upon the Bill, ~~the answers, &c taken for confessed as to the~~ adult defendants, the answers of the infant defendants by Peter B. Prentis their guardian ad litem with exhibits ~~to said answers~~ and was argued by Counsel: in consideration whereof the Court doth order that R.L. Woodward, Robt. E. Whitehead C. Jones John T. Cox who are hereby appointed Commissioners for that purpose any three of whom may act, having been first duly sworn do proceed to lay off and divide the real estate of which Calvin Holland died seized and possessed consisting of a Tract of 86 acres in Nansemond County Virginia and adjoining the lands of Sol. C. Holland, J. T. Holland and others into Eight equal parts having regard to quality and quantity and assign one of the eight parts to each of the said children of the said Calvin Holland to wit: to Paul C. Holland one eighth part: to Mary Ellen Jernigan one eighth: to Barbara Ann Holland one eighth: to C.C. Holland one eighth: to Henry W. Holland one Eighth: to Louella A. Holland one eighth:

as aforesaid by the Commissioners; or of any single interest thereon to Jos. J. Holland one eighth: and to Robt. F. Holland ~~the~~ one eighth.

But if the said Commissioners should find it impracticable to divide the said land among the aforesaid parties, or should be of opinion that the interests of the said parties would be more promoted by a sale of the same, in such case they are required to report the facts upon which their opinion is based, to the Court: and what also in their opinion is the fair ~~annual~~ present worth value of the whole real estate, of which Calvin Holland died seized and possessed; and in either case they are required to report their proceedings under this order to the Court.

That they should ascertain and report to the Court the interest in the said land to which each of the said parties is entitled as heir at law of the said Calvin Holland deceased.

Holland
vs
Jennings et als.

Allowed in Vacation
for Commissioners.

Order entered.
April 1st 1876
Chas. F. Bloss.
Clerk Circuit Court
Caldwell

Holland

vs

Jernigan et als.

This cause came on this day to be again heard upon the papers formerly read as well as upon the report of the commissioners appointed at the April term 1884, to which report there is no exception. On consideration whereof the Court doth confirm the said report and doth order adjudge and decree that R.H. Rawles who is hereby appointed a special commissioner for that purpose, he having first entered into a bond in the penalty of $500 with sufficient security approved by the clerk of this Court for his faithful discharge of his duties under this and all other decrees which may hereafter be rendered in this cause, shall proceed to sell the said land at public auction before the Courthouse door of Hammond County on some Court day after having first duly advertised the time place and terms of the said sale at least twenty days by notices posted at the Courthouse door and

at least three conspicuous places and
in the neighborhood where the said
is located, on the following terms
to wit: One third cash, balance in
six and twelve months, title to be
retained until fully paid for, but
with the option to the purchaser after
sale to pay the whole in cash if he
so desires: said land being the same
tract described in the bill and pro-
ceedings, containing 36 acres of which
Calvin Holland died seized and
possessed; and out of the proceeds of
the said sale the said Commissioner
is directed to pay first, the expenses of
this suit and then to distribute the
remainder of the purchase money among
the parties entitled thereto taking from
each one a proper voucher to be filed
with his report in this cause. And
the said Commissioner is required to
report his proceedings under this order
to this Court.

Holland

vs

Jennison et als

Decree for Sale

To be entered.

Oct 10th 1884

Geo. Blow.

Geo. Blow Jr.

P. Q. Holland

#165

Paul C. Holland

vs

Wm H. Jernigan et als

This cause came on this day to be again heard on the papers formerly read and the report of special Commissioner R.H. Rawles, showing sale of the property directed to be sold under a former decree of this Court, and the proper distribution of the proceeds of the sale among those entitled to receive the same, to which report there was no exception and was argued by Counsel. On consideration whereof the Court doth order adjudge and decree that the said report be confirmed and that the said R.H. Rawles special Commissioner make to the purchaser Paul C. Holland a deed with special warranty for the said land, and it appearing that nothing further remains to be done in this cause it is ordered that the same be removed from the docket.

. Holland vs Jernigan

Final decree

Apl 28th 1885—

To be entered

Geo. W Blount.

Entered Min Bk 2 p 33

The joint and separate answer of L L Holland, Barbara Ann Holland, Henry H Holland, Loula A Holland, Jas J Holland, and Robert F Holland, infants under the age of twenty one years by Peter B Prentis their guardian ad litem, assigned to defend them, in this suit, to a Bill of Complaint exhibited against them and others in the Circuit Court of the County of Nansemond by Paul L Holland complainant; These respondents, reserving to themselves the benefit of all just exceptions to the said Bill for answer thereto, or so much thereof as they are advised that it is material they should answer, by their said guardian ad litem, answer and say,

That they are infants of tender years and by reason of their infancy, are incapable of understanding, or taking care of their rights and interests, They therefore, by their said guardian commend themselves and their rights and interests to the protection of the Court, and pray that no decree may be pronounced which will tend to their prejudice, and having fully answered, these respondents pray to be hence dismissed, with their reasonable costs in this behalf expended, and they will ever pray &c.

(Signed)

Peter B. Prentis,
gdn: ad litem

Paul C. Holland

$\frac{11}{23}$ In Chy

William H. Jernigan
and Mary Etta Jernigan Dal

Answer of Infants
by their guardian ad litem

1884. March 3rd filed Clk

Paul C. Holland

vs

Wm H. Jernigan et als:-

The joint and seperate answers of Wm H. Jernigan and Mary Ella Jernigan to a bill of Complaint filed against them and others by Paul C. Holland.

These defendants for themselves &c answering say, that so far as they are informed the statements of the said bill are true and they know of no objection to a sale or division of the said land

Wm H. Jernigan
Mary Ella Jernigan
by Counsel

Paul C. Holland

vs

William H. Jernigan et al.

Answer of
William H. Jernigan
and Mary Etta Jernigan

1884. March 3rd Filed

To the Honorable George Blow, Judge of the Circuit Court of Nansemond County:

Humbly Complaining Sheweth unto your honor, Your orator Paul C. Holland that your orators father was in his life time (Calvin Holland by name) seized and possessed of certain real estate lying in the County of Nansemond and State of Virginia, containing about 36 acres by estimation, and being on the road leading from Holland's Corner to the Wainoke Road, adjoining the lands of Sol. C. Holland, J. T. Holland, formerly Randolph Rawles and others; and being so thereof ~~so~~ seized and possessed some time in the year 188 departed this life intestate, leaving a widow Martha, who has since intermarried with H. B. Byrd; and your orator and Mary Etta Jernigan now married to Wm. H. Jernigan, Barbara Ann Holland, C. C. Holland, Henry W. Holland, Lonella Iris Holland, Jos. J. Holland and Robert F. Holland, the last six being infants, his only children and heirs at Law. Your orator Paul C. Holland has purchased the Dower

interest of his mother the said Martha Byrd (formerly Holland) by deed which said deed is herewith filed marked "A" and prayed to be taken as a part of this bill.

Your orator believes that the said real estate is not susceptible of partition amongst the parties entitled thereto and desires, that in case it is not susceptible of partition, that the same may be sold and the proceeds distributed amongst the parties in proportion to their respective interest therein.

In tender consideration whereof and forasmuch as your orator is remediless in the premises save by the aid of a Court of equity where matters of the kind are alone and properly cognizable, your orator prays that the said Wm. H. Jennigan and Mary Ella Jennigan, Barbara Ann Holland C. C. Holland, Henry W. Holland, Louella A. Holland, Jos. J. Holland and Robert F. Holland be made parties defendant to this bill and required on their corporal oaths to answer the same according to the best of their knowledge and belief as fully and particularly as if the statements of this bill were here again repeated and

the said defendants thereto specially interrogated; that a proper Guardian ad Litem be assigned the infant defendants to defend their interest in this suit: that the said real estate may if possible be divided and your orator's portion thereof allowed to him: and in case the said real estate be indivisible, that the same be exposed to sale and the proceeds thereof be distributed among the parties entitled thereto: that proper process may issue and that such other further and general relief may be afforded your orator as the nature of his case may require or to equity shall seem meet.
And your orator will ever pray &c.

R H Rawles P. Q.

Virginia: Nansemond County to wit:-
This day personally appeared before me Paul C. Holland and made oath that the statements in the above bill are True.
Given under my hand this 19th day of January 1884.

R H Rawles
N. P.

Rawles P. Q.

Paul C. Holland

vs

Wm H. Jernigan et als

Bill.

Paul C. Holland

vs } Chy. Notes

William H. Jernigan and Mary Etta Jernigan & al.

1884 Feby. 25th. Summons issued to March Rules, 1884

" March 3. Bill filed — Answer of the Defts, William H. Jernigan & Mary Etta Jernigan filed & general replication thereto

" " " Peter B. Pretlow appointed gdn. ad litem to infant defendants, who filed their answer to which there was a genl. replication, & on mo. of Pltff's Counsel, cause set for hearing.

" 10th. 15th. Decree for Publication

" Defts. 8th. Report filed

" Oct. 10th. Decree for Sale

" 18th. Bond of Comr. of Sale executed & filed

Chy: Notes

Cashier.

Clk.

Atty

Shff

$10.00
31.50
1.00

$42.50

At a Court hel

188 , this bond w

obligor to the same, the securit justifying, a

Teste:

All Available Text Successfully Captured

If not called for in 10 days, return to

RICHARD H. RAWLES,

ATTORNEY AT LAW,

SUFFOLK, VA.

Woodard
Holland & Jennifer

$1.00

Recd of R H Rawles one Dollar in full
for service in Jail in Holland Bros
Tennison. Dec 1 1884

J. T. Cox Deft Sheriff

COURTS:
Nansemond, Isle of Wight and Southampton Counties, and United States District Court at Norfolk, Va.

OFFICE OF C. H. CAUSEY,

Attorney at Law.

Suffolk, Va., ... 188

Recd of R. H. Rawles Special Commissioner in the case of Paul C. Holland vs W.H. Jernigan et als

Five Dollars as Cost.

Nov 14 1884

J. T. Cox
Auditor

STATEMENT.

THOS. G. ELAM, PROP'R. — J. E. BOOKER, MANAGER.

Suffolk, Va., Nov 10 1884

Mr R H Rawles Spl Comr

To SUFFOLK HERALD, Dr.

FINE * BOOK * AND * JOB * PRINTING

188 4

Oct 22 To Printing 50 Bills
Sale of Land (Near Holland Corner)
in Case of Pane C Holland
Vs W H Jernigan $ 1.25

Rec'd Payment
J E Booker

$9.12/11

Recd of R H. Rawles Nine dollars & twelve cents in full of my share of the proceeds of the sale of the Calvin Holland land in the suit of P C Holland vs W H. Jernigan et als. Nov 14 1884

William H. Jernigan

Recd of R. H. Rawles Special Commissioner in the case of Paul C. Holland vs W. H. Jernigan et als the following sums in full payment of the respective shares named, from proceeds of sale of land to wit:- For myself $9.12½: as guardian for Barbara Ann Holland $9.12½: Do. for C. C. Holland $9.12½: Do. Henry W. Holland $9.12½: Do: for Soulla Iris Holland $9.12½: Do: for Jos. G. Holland $9.12½: do: for Robert F. Holland del in fonto $9.12½.

Suffolk Va. Nov. 14 1884.

Paul C Holland

for my self and as guardian