

1894-019
Nansemond Co. (Suffolk)

Chancery Causes: Jesse Parker et al vs Joseph Poyner, infant et al

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Joseph Payner and*
John Payner, infants, 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 *September* next, to answer a

Bill in Chancery, exhibited against them
in the said Court by *John Parker, James Parker and John J. Parker,*
Mary Parker, Carrie Parker and Martha V. Parker.

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *28th* day of *August* 1877, in the *102nd* year of the Commonwealth.

Teste:

Peter B. Prentis Clerk.

Joseph Parker & al:

$\frac{11}{25}$ } Sum^d. in Cty:

Joseph Payner and John Payner,
infants, under twenty-one years
of age.

To Septs. Rules, 1877.

Virginia:

At Rules, in the Clerk's Office of the Circuit
Court of Handerson County, on Monday,
the 3rd day of September, 1877.

Jesse Parker, James Parker and John J. Parker
Mary Parker, Carrie Parker and Martha V.
Parker Complainants

• against & In Chancery
Joseph Boyner and John Boyner, infants,
under twenty one years of age. Defendants

On the motion of the Complainants, by Counsel, Peter B. Prentiss,
is appointed guardian ad litem to the defendants, to defend
them in this suit; and it is ordered, that notice be given
the said guardian of his appointment, by serving on him
a copy of this order.

Attest
Peter B. Prentiss, Clerk

1877. Septor: 3rd: I acknowledge service of the foregoing order
and that I have received a copy thereof.

Peter B. Prentiss,
Guardian ad litem

Isaac Parker. Sal

¹² $\int$ order afktg gdn: id letom

Joseph. Payner Sal: infants.

In the Circuit Court of Fauquier County, Virginia:

Jesse Parker & al }
vs. } In Chancery
Joseph Poyner & al }

The Report of Comr. Wilbur F. Kilby, filed in the above cause the 6th day of September 1878 shows that said Jesse Parker Plaintiff, had in hand the sum of \$250.00 due to the following persons as follows:

To Mary Parker, his mother.	\$ 32 62
" John W. Parker his brother.	36 23
" Jas. Parker, his brother.	36 23
" Caroline Parker, his sister	36 23
" Martha V. Parker, his sister	36 23
" Jos. & John Poyner, his nephews.	36 23
" Himself	36 23
Total.	\$ 250 00

By the decree of the 12th day of Octo. 1878 in said cause, said Jesse Parker was directed to pay the costs of said cause out of said sum of \$250.⁰⁰, and then to distribute and pay out the balance pro rata to the above-named persons according to their respective shares as set forth above.

Accordingly said Jesse Parker provided for the pay-

ment of said costs as taxed
by the clerk of said court,
as follows, that is to say he paid
To A. C. Withers, atto. for Plaintiffs
and defendants his fee \$50.

and writ tax \$1.50 =	\$ 51 50
" Wilbur J. Kilby, Court.	8 00
" Wm. Cherry Court.	6 00

and retained the follow-
ing sums for the following
persons, to wit

For P. B. Prentiss, Clerk	10 00
" John P. Pinner Court.	2 00
" Ro. Riddick "	2 00
" Daniel Brothers "	2 00
Total costs	\$ 81 50

which deducted from the
above sum of \$250. left
in said Jesse Parker's hands,
due as follows:

To Mary Parker	22 04
" James Parker	24 41
" John J. Parker	24 41
" Caroline Parker	24 41
" Martha V. Parker	24 41
" Jos. & John Poyner jointly	24 41
" Himself, (said Jesse Parker)	24 41
Total	\$ 168 50

\$168 50

In addition to the above,
by the decree of the 10th day
of April 1878, the following
payments were directed

to be made as follows:

By Martha V. Parker to John J. Parker.	\$ 233 33
" Martha V. Parker to Jos. & John Poyner.	33 33
" Jas. Parker to Jos. & John Poyner.	50 00
" Jas. Parker to Caroline Parker.	66 67
" Jesse Parker to Caroline Parker.	66 67

Said James Parker has paid said sum of \$50. due by him to Jos. & John Poyner and said sum of \$66.67 due by him to said Caroline Parker.

And said Jesse Parker having departed this life, his widow, Addie Parker, has on the 13th. day of March 1882, paid the following sums due by said Jesse Parker as appears above, to wit:

To P. B. Prentiss, Clerk, his costs.	\$ 10 00
" Mary Parker	22 04
" Jas. Parker	24 41
" John J. Parker	24 41
" Caroline Parker	24 41
" Martha V. Parker	24 41
" Jos. & John Poyner jointly	24 41
" Caroline Parker	66 67
Total.	\$ 220 76

So that there remains at the date of this writing of the above sums of money. The following sums yet unpaid:

By Jesse Parker to John J. Pinner Cour.	\$ 2 00
" Same to Ro. Riddick "	2 00
" Same to Daniel Brothers "	2 00
" Martha V. Parker to John J. Parker	233 33
" Same to Jos. & John Poyner	33 33

Respectfully submitted this 18th. day of March 1882.

Wilbur J. Kilby
Clerk.

Jesse Parker & al
vs } In Chy
Jos Poyner & al

Statement of
Payments

Commissioner's Office,

SUFFOLK, NANSEMOND COUNTY, Va.

22 August 1878

To Jesse Parker, James Parker and John J. Parker
Mary Parker, Carrie Parker and Martha W.
Parker

Plaintiffs,

and Joseph Poyner and John Poyner, infants,
under twenty-one years of age by Peter B.
Prentiss, their guardian ad litem

Defendants.

You are hereby notified that I have fixed upon the 4th day of September
next, to take and settle, at my office, the following accounts, to-wit:

1. An account of advancements, if any, had and received by said Jesse Parker from the estate of John Parker deceased.
2. An account showing what parts of said advancements, if any, are due respectively to the heirs of said John Parker deceased, by said Jesse Parker
3. An Account showing the present value of the interest of Mary Parker widow of said John Parker deceased, in said advancements for her life.
4. An account showing who the parties are to whom the respective parts of said advancements are payable as heirs of said John Parker deceased.

required to be taken by the decree of Nansmond Circuit
day of April

Court, rendered on the 10th

1878 in a suit in Chancery depending in 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 Commissioner in Chancery of the said Court, the day and year first
aforesaid.

Wilbur J. Kelly
Comm. in Chy.

1878 August 22. Service of the within notice is hereby acknowledged

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Attest
aug for Dltfo.

Peter B. Proctor, general agent
for defendants

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To the Circuit Court of Hanover County, Virginia:

In pursuance of a decree of said Court pronounced at the April Term thereof in the year 1878 in a cause in Chancery in said Court depending between Jesse Parker and others, Plaintiffs, and Joseph and John Poyner, Defendants, a copy of said decree being herewith annexed: the undersigned, a Commissioner in Chancery, having given notice to all parties as will appear by the endorsement on the notice herewith returned, proceeded on the 4th day of September 1878 to execute said decree and to perform the duties thereby required and now herewith respectfully reports the result of the proceedings as follows:

Your Commissioner reports that long after the death of John Parker deceased, his son, said Jesse Parker, one of the heirs of his estate, to wit on the 8th day of June 1869, undertook to sell and did sell a certain parcel of the real estate of said John Parker deceased in the Town of Suffolk, Va., for the sum of \$250, as set forth in the Report of Commissioners, Wm. Cherry, Jas. F. Pinner, Ro. Reddick and Daniel Brothers, made in pursuance of a decree in said Cause pronounced at the October Term 1877 of said Court, and that said Jesse Parker received said sum of \$250, and appropriated the same to his exclusive use and benefit, the other heirs of said John Parker deceased having received no part thereof.

That as said sum of \$250 was not received by said Jesse Parker of said John Parker deceased in the lifetime of the latter, nor under his will, he having died intestate, the same is not an

advancement to said Jesse Parker, (See Va. Code 1873 ch. 119. s. 14: Puryear &als. vs. Cabee &als. 24 Grat. 260.).

That the residue of the real estate of which said John Parker died seized and possessed having, however, lately been equally divided ^{and one-third thereof having been assigned to Mary Parker, widow, and her daughter therein} among his heirs, under proceedings had in said cause, - said Jesse Parker having received an equal share thereof with the other heirs, as will appear by the said Report of said Commissioners, - the said Jesse Parker has had and received of the estate of said John Parker deceased, said sum of \$250, more than his share thereof.

Your Commissioner, therefore reports that said Jesse Parker is indebted to said estate in the sum of \$250 aforesaid.

Your Commissioner, further reports that the rents and profits and income from the residue of said estate, not sold as aforesaid by said Jesse Parker have all been used and enjoyed by the widow and heirs of said John Parker to the exclusion of said Jesse Parker, during the greater part of the time since the sale of said parcel of land by the latter on the 5th day of June 1869, and that said Jesse Parker should, therefore, not account for, or be made to pay, interest to said estate on said sum of \$250 had and used by him: said estate being in no wise indebted and the money being subject only to distribution among the heirs of said John Parker deceased.

Your Commissioner further reports that Mary Parker is entitled to the use of one-third of said sum of \$250, representing real estate as it does, for her life, or to a gross sum of money in lieu thereof, she being the widow of said

John Parker deceased, and that the heirs of said John Parker deceased, are entitled to the residue.

Your Commissioner further reports that said Mary Parker is 68 years of age, and that the present value of an annuity of \$1.⁰⁰ for a person of that age, is \$6.⁵⁴. Taking $\frac{1}{3}$ of said sum of \$250., to wit: \$83. $\frac{33}{3}$ and calculating interest thereon at six per cent, the sum of \$4.99 is ascertained to be that to which said Mary Parker is entitled annually out of said sum of \$250. Multiplying this sum of \$4.99 by the sum of \$6.⁵⁴ above, the present value of the estate of said Mary Parker for her life in $\frac{1}{3}$ of said sum of \$250, is ascertained to be \$32.62. (See Acts of Assembly 1877-8 p. 246).

Your Commissioner adds the following statement more fully to show the sum of money due by said Jesse Parker, to whom due, and in what proportions:

Amount due by said Jesse Parker to the Estate of said John Parker deceased.	\$ 250 00
Amount due to said Mary Parker as ascertained above, of said \$250. =	\$ 32 62
Amount due Jesse Parker, heir of John Parker.	36 23
" due John J. Parker.	36 23
" due James Parker.	36 23
" due Carrie Parker.	36 23
" due Martha W. Parker	36 23
" due Joseph & John Poyner	36 23
Total	\$ 250 00

Respectfully submitted this 6th. day of September 1878

Wilbur J. Kelly
Cmr. in Chancery

Cmr.'s fee \$8.

Jesse Parker & al.,

vs. } In chy.

Poyner & al.

Commissioner's Report

6 Sept 1878

1878. Sept. 6th. Filed.
cek

To The Hon. George Blow Judge of The Circuit Court
for the County of Nansemond.

We the undersigned Commissioners appointed by a decree rendered at the October Term of said Court, held on the 13th day of October 1877 in a suit pending therein, of Parker et als vs Joseph Poyner & John Poyner infants under Twenty one years of age, beg leave to report that we have viewed the land in the decree mentioned together with the buildings thereon, we estimated the value of the whole property to be Three Thousand Dollars (\$3,000.00)
Lot No 1 We assigned to Mary Parker widow of John Parker decd. said lot no 1 fronting Fifty one Feet on the South side of Washington Street East running south from the Street along Tho^s W Smith's Artman & Butler's Eastern boundary Two hundred eighty six feet. Ten inches (286 ft + 10ⁱⁿ) to Willis S Riddick's Northern boundary, lot now occupied by Calvin Brittain said no 1 Lot 51 feet wide in the rear, which we valued at (\$1,000) One Thousand Dollars being one third of the val of the whole property. This however does not include the Store House in front of the dwelling which is upon Lot no 1. The Store House in the opinion of your Commissioners should be removed to Lot No 2 adjoining, in order to equalize the value thereof, and is the home place. Believing it would be more satisfactory to all parties interested, they had notice to assemble at the Home place on this the 1st day of April 1878 at 12 O'clock. M. and each draw for him or herself or their representative which they did; and resulted as follows.

Lot No 2.

Fronting ninety four feet five inches ^{ft in} 94.5 on Washington St East, the same width in the rear, and running south from the street along the Eastern boundary of Lot No 1. Two hundred and sixty five feet to the Northern Boundary of W. S. Riddick's Lot; Val^d at Six Hundred dollars. (600^{ff}) was drawn by Martha V. Parker, and to equalize the val^d. This No 2 Lot pays to Lot No 4 ($233\frac{1}{3}$ ^{ff}) Two Hundred and thirty three and one third dollars + to Lot No 5 ($33\frac{1}{3}$ ^{ff}) Thirty three and one third dollars. ~

Lot No 3

Fronting one Hundred + fourteen feet five inches ^{ft in} (114.5) on said Street running East to the narrow gauge Rail Road, thence South along the west side of said Rail Road, to the Northern boundary of Norfolk + Petersburg R. Road Three Hundred + sixty feet; and seventy three feet width in the rear or Southern Boundary Valued at (400^{ff}) Four Hundred dollars was drawn by Jesse Parker. This Lot No 3 pays to Lot No 6 ($66\frac{2}{3}$ ^{ff}) Sixty six + two third dollars ~~and to Lot No 7 ($66\frac{2}{3}$ ^{ff}) Sixty six + two third dollars~~ ~

Lot No 4

Fronting seventy seven feet on said Street running south along the Eastern boundary of narrow gauge road (265 ft) Two hundred and sixty five feet to the Northern boundary of the Norfolk + Petersburg Rail Road + is 77 ft in width ^{in the rear} more or less (The 3. Lots 77 wide in front if wider in the rear are to be equally divided) No 4 Lot has no building, Val^d at 100^{ff} (One Hundred dollars) was drawn by John J. Parker, and is made equal by No 2 Lot paying ($233\frac{1}{3}$ ^{ff}) Two Hundred and thirty three + one third dollars. ~

Lot No 5

Fronting seventy seven (77) feet on said Street, running south

along the eastern boundary of Lot No 4 to the northern boundary of Norfolk & Petersburg Rail Road Two hundred and sixty five feet (265 ft) more or less, & is 77 feet in width ^{in the rear} more or less was drawn by Peter B. Prentiss Guardian ad litem for Jos: & Jno Poyner infants of Emeline Poyner has in it a building; Lot val^d. at Two Hundred & fifty dollars (\$250.) & is equalised by recing from Lot No 2. ($33\frac{1}{3}\%$) dollars. & from lot No 7 (50%) dollars.

Lot No 6

Fronting seventy seven (77) feet on said street running east to Eum White's Corner on said street, thence south along said Eum White's western boundary (206) feet Two hundred and six feet more or less to ^{the} northern boundary of the Norfolk & Petersburg Rail Road: on this lot no buildings; Val^d. at (200%) Two Hundred dollars; was drawn by Carrie Parker & is equalised by no 7 lot paying $66\frac{2}{3}\%$ (sixty six & two third dollars) to no 6. lot & No 3. Lot paying to no 6. Lot ($66\frac{2}{3}\%$) Sixty six and two third dollars.

Lot No 7

Fronting Fifty Feet (50) more or less on west side of Main Street & is bound by the Baptist Church lot on the north, on the east by Main street, on the south, by Jas R. Saunders lot, on the west by a ravine or Branch, Valued at (450%) Four Hundred & fifty dollars. was drawn by Jas Parker: & equalized by paying to Lots no 5 & 6. as above described ~

Your commissioners deem it important to report, that it has come to their knowledge, that Jesse Parker one of the Heirs herein mentioned has received from the Sale of an unimproved Lot situated on west side of Riddick Street in the Town

of Suffolk; sold to Willis S Riddick on the 8th day of June 1869, belonging to the Est^d Said dec'd; for the sum of Two Hundred & fifty Dollars, which lot was sold prior to this action; that Mary Parker, the widow of the dec'd, was entitled to dower, that after assigning to her, such portion of the 250\$ in fee simple as your Honor may determine, that Jesse Parker was entitled to $\frac{1}{6}$ and the other heirs herein mentioned are entitled to the remaining $\frac{5}{6}$. That is to say $\frac{1}{6}$ to each; all of which we Respectfully Submit.

Charges
 4 Commis^s 2\$ 8.00
 Preparing Report 4.00
 \$12.00

Wm. Cherry
 J. H. Pinney
 R. Riddick
 Daniel Broome
 } Commissioners.

Suffolk & Nassau County vac
 April 1st 1878.

Remission Report.

1878. Apr. 10. H. F. A. C. H.

At a Circuit Court, continued and held for
Hansemond County, the 13th day of October, 1877.

Jesse Parker, James Parker, and
John J. Parker, Mary Parker, Carrie
Parker and Martha V. Parker. . Plaintiffs

Against { In Chancery
Joseph Poyner and John
Poyner, infants, under twenty-one
years of age Defendants

This Cause came on this day to be heard on
the original Bill, and the answer of Peter B. Partis,
guardian ad litem (appointed at the Rules) of the
infant defendants, Joseph Poyner and John Poyner,
and was argued by Counsel: On Consideration
whereof, the Court doth adjudge, order and decree,
that partition be made of the several pieces of
Real Estate, in the Bill mentioned, as follows,
to wit: a certain lot, piece or parcel of land,
lying in the Town of Suffolk, and bounded on the
North, by East Washington Street, and on the South,
by the Norfolk and Petersburg Rail Road; and
also a certain lot, piece or parcel of land, lying on
the West side of the Main Street of the said Town
of Suffolk, and bounded, on the North, by the lot
belonging to the Baptist Church, and on the South, by
the lot of James R. Saunders: both pieces being
the same formerly owned, by John Parker, deceased, and
for the purpose of effecting such partition, the Court

^{doth} order. That William Cherry, John F. Pinner, Robert Reddick and Daniel Brothens, who are hereby appointed Commissioners for that purpose, any three of whom may act, do assign and allot to the several persons before named, that is to say: to Mary Parker, the widow of John Parker deceased, one third, in value, of the whole; and the residue to be equally divided between John J. Parker, Jesse Parker, Carrie Parker, James Parker and Martha V. Parker, and to John and Joseph Payner, the infant children of Emeline Payner deceased, the daughter of the said John Parker deceased, giving to them their respective shares ^{and} proportions aforesaid, by metes and bounds, assigning to the infants, John and Joseph Payner, one sixth of the whole, after assigning dower, and to the other heirs the same proportion. And, if, in their opinion such partition of the Real Estate cannot be made in kind, without loss or injury to the parties, then, that the said Commissioners report that fact to this Court, and the reasons upon which their opinion is ~~based~~ founded, with the Real value of the Estate, and the said Commissioners are directed to report their proceedings to the Court, and other matter deemed pertinent by themselves or required by the parties.

A Copy:

Teste,

Peter B. Prentiss, Clerk

Josef Parker & al:

vs { City of New

Joseph & John Payner,
infants.

Commissaries

Report

3

At a Circuit Court, held for Nauset County, the
10th day of April, 1878.

Jesse Parker, James Parker and John
J. Parker, Mary Parker, Carrie Parker
and Martha V. Parker. Plaintiffs.

against { In Chancery
Joseph Payner and John Payner
infants, under twenty-one years of age. . Defendants.

This Cause came on this day to be heard upon the papers
formerly read, and the Report of William Cherry, John F.
Pinner, Robert Riddick and Daniel Brothers, the Com-
missioners appointed by Decree entered herein, on the 13th day
of October, 1877, of the partition of the land in the proceedings
mentioned, among the several parties entitled thereto, agreeably
to the terms of the said Decree, and was argued by Counsel.
On consideration whereof, it is adjudged, ordered and decreed
that the said Report of the said Commissioners, be confirmed,
and that the partition, in manner and form, as therein made
by the said Commissioners, be held firm and stable, and that
the various amounts charged by the said Commissioners,
in the said Report, upon the various lots therein named be
paid by the respective owners thereof to the parties to whom
it is due: the said various amounts to be paid as owelty
of partition, in the division, aforementioned. And it is further
adjudged, ordered and decreed, that a Commissioner of
this Court, ascertain any advancements that may have been
made to Jesse Parker: how much he ^{now} owes to the other heirs
of John Parker, deceased: the present value of Mary Parker

The widow of John Parker deceased, in the amount due from the said Jesse Parker, if any; to whom the various amounts are to be paid; and make Report to Court.

It is further adjudged, ordered and decreed, that the costs of this suit, and a fee of Fifty Dollars to the Attorney, be proportionably borne by the parties thereto, and that the Commissioners aforesaid, be paid two dollars, each, for their services, and that William Cherry, one of the Commissioners, receive Four Dollars, in addition to his fee, as one of the Commissioners, for preparing the report herewith submitted.

a Copy:
Teste

Peter B. Prentiss, Clerk

xm

Jesse Parker & al:

vs { Copy Decree

Joseph Payner & al: infants

vs, Payner's age

Arse Parker et al.

vs. { Dr Chey
Jrs Payner & al.

This cause came
on this day to be again heard
upon the report of W. J. Kelly
Cmr. and was argued by counsel
in consideration whereof the
Court doth advise order and
decree that the report of the said
Commissioner be confirmed, &
made firm and binding, and
there being no exception to the
said report the same is ac-
cordingly done, and the Cause
continued.

at
Jesse Parker
as 3rd Clerk
Jas. Paymaster

To be entered
Apr 10th 1882
Geo. T. Brown

Entered Dr. dis Book No 1
Page 563

Jesse Barker et al.

vs. { Chas Caputo

Joseph Barker + John Barker Jdts.

This cause came on
to be again heard
this day, upon the papers formerly
read, and upon the report of W. J.
Kelly Commissioner, ^{made under decree of April Term of this Court 1878} and was argued
by counsel whereupon the Court
doth confirm the said Report to which no exception is filed, and
doth ^{with the sum of \$250, in hands as shown by said Report} order and decree that
Jesse Barker, pay the costs in this
suit, and then proceed to pay the
balance, ^{of said sum of \$250} in his hands, ^{as aforesaid} after pay-
ment of the costs to the parties
entitled thereto as shown by ^{said} the
Commissioner's report, pro rata
And, ^{make report to Court} that this cause be dis-
missed and nothing further remaining
to be done, it is ordered that cause be
stricken from the docket without
prejudice to

Jesse Fisher et al.

vs { In Chcy
Payner et al.

~~Filed~~

Dr em

To be entered

Oct. 12th 1878.

Geo. Beod.

Entered O.B. No. 1 - p. 413

Jesse Parker et al:

vs S In Chancery

Joseph Dayner & John Dayner Infants &c.

This cause came on this day to be heard upon the papers formerly read, and the report of William Cherry, John F. Skinner Robt. Rice and Daniel Biothers the Commissioners appointed by decree entered herein on the 13th day of October 1877 of the partition of the land in the proceedings mentioned among the several parties entitled thereto, agreeably to the terms of the said decree and was argued by Counsel

On consideration whereof it is adjudged ordered and decreed that the said report of the said Commissioners be confirmed, and that the partition in manner and form as therein made by the said Commissioners be held firm and stable, and that the various amounts charged by the said Commissioners in the said report upon the various lots therein named be paid by the respective owners thereof to the parties to whom it is due. the said various amounts to be paid as a well of partition in the division aforesaid mentioned. And it is further adjudged ordered and decreed that a Commissioner of this

~~Court~~
~~if there~~ is certain any advancements
that may have been made to Jesse Far-
ker, how much he now owes to the other
heirs of John Parker deceased, the present
value of Mary Parker the widow of John
Parker deceased, in the amount due from
the said Jesse Parker if any, to whom the
various amounts are to be paid, and
make report to court.

It is further adjudged ordered and decreed
that the costs of this suit, and a fee of
Fifty Dollars to the attorney, be proportion-
~~ate~~ ably borne by the parties thereto, and
that the Commissioners aforesaid be paid
Two dollars each for their services, and
that Wm Cherry one of the Commissioners
receive \$4.00 in addition to his fee as one
of the Commissioners, for preparing the
report herewith submitted.

Jesse Tucker et al.

vs. { Deane

Joseph & John Fugner Infants

April Term 1878

To be entered

Geo. B. B.

Child

Entered O.B. No. 1 - p. 378

9

Jerse Parker James Parker & John Parker Mary
Parker Carrie Parker & Martha V Parker
as { In Lhey
Joseph Dayner and John Dayner Infants &c.

This cause came on this day to
be heard on the original bill, and the answer
of Peter B. Prentiss Guardian ad litem (appointed
at the rules) of the infant defendants Joseph
Dayner & John Dayner. and was argued by
counsel

On consideration whereof the Court doth ad-
judge order and decree that partition be
made of the several pieces of Real estate in
the bill mentioned as follows to-wit. a certain
lot piece or parcel of land lying in the town
of Suffolk and bounded on the North by East
Washington Street and on the South by the
Suffolk and Petersburg Rail Road, and also a
certain lot piece or parcel of land lying
on the West side of the Main Street of the said
town of Suffolk and bounded on the North
by the lot belonging to the Baptist Church, and
on the South by the lot of James R. Saunders
both pieces being the same formerly owned
by John Parker deceased and for the purpose
of effecting such partition the Court doth
order that Wm Cherry John F. Danner Robert
Riddick and Daniel Brothers who are hereby

appointed Commissioners for that purpose
any three of whom may act, do assign and
allot to the several persons before named, -
that is to say to Mary Parker the widow of John
Parker deceased one-third in value of the whole,
and the residue to be equally divided between
John J. Parker Jesse Parker, Carrie Parker,
James Parker, & Martha D. Parker, and to
John & Joseph Dayner the infant children
of Emeline Dayner deceased the daughter
of the said John Parker deceased, giving
within their respective shares & proportions
aforesaid by metes & bounds, assigning to the
infants John & Joseph Dayner one-sixth of the
whole after assigning dower and within their
heirs the same proportion. And if in their opin-
ion such partition of the real estate can-
not be made in kind without loss or injury
to the parties then, that the said Commissioners
report that fact to this Court & the reasons
upon which their opinions is founded, with
the real value of the estate, and the said
Commissioners are directed to report their pro-
ceedings to the Court and any other matter
deemed pertinent by themselves, or required
by the parties,

Jeane Durbur et als

vs } Lin Chey

Joseph & John Dwyer

Infants &c

15 Oct 77

De cur

Robt entm

Geo. Blom.

cpd

Entered O.B. No 1

p-371

Jesse Parker vs

vs

Joseph Poyner John Poyner Infts.

It appearing that there has been no order or proceeding for five years in this cause it is ordered, that it be stricken from the docket, with leave to re-instate with good cause within one year from this date.

2

Jesse Parker & als

vs

John Foyner & c

Oct. 12th 94

who entered

CMS

Entered in Chancery
Order Book No. 2
Page 588. -

To the Circuit Court of Randolph County:

The Joint and Separate answer of Josephh Payner and John Payner, infants by Peter B. Prentiss, their guardians ad litem, to a Bill in Chancery exhibited in said Court, by Jesse Parker & others, against them.

These Respondents say that the facts set forth in said Bill, are true so far as they know, but, being infants, & ignorant of their rights in the premises, submit the same to the Court, and pray that no order or decree may be made in the premises, inconsistent with their rights.

(Signed)

Peter B. Prentiss.

gdn: ad litem

Josef Parker tal

20 } answer

Joseph Payner and John
Payner, infants.

(Parker)
Josef Parker
John Parker

Jesse Parker, James Parker and John J. Parker
Mary Parker, Carrie Parker & Martha V. Parker
vs $\begin{matrix} \$ \\ \text{In Chancery} \\ \$ \end{matrix}$

Joseph Dayner and John Dayner infants
under the age of twenty one years

To The Honorable George Blod
Judge of the Circuit Court for Hanscom
County

Humbly complaining sheweth unto
the Court your complainants Jesse
Parker James Parker and John Parker
Mary Parker Carrie Parker & Martha V.
Parker, that your complainants father
& husband was in his life time seized
and possessed of certain real estate
lying in the County of Hanscom &
in the town of Suffolk in said ~~town~~^{County} sit-
uate on Washington & Main Streets in
the said town, consisting of vacant
lots & improved lots, & being ~~being~~^{being} so
thereof seized & possessed some time
in the year 1850 departed this life into
eternity, leaving your complainants and
Orneline Dayner since dead, his only chil-
dren and heirs at law, & the said Orneline
Dayner & John her husband having since
the death of the said John Parker Sr. departed
this life leaving two children Joseph

2 John infants under the age of twenty-one years

And your complainants further state that the said real estate is as they believe susceptible of partition amongst the parties entitled thereto; but if it be not then your complainants desire the same to be sold & the proceeds distributed amongst the parties in proportion to their respective interests therein.

Your complainants further represent & say, that Mary Parker the widow of John Parker deceased has been residing in one of the lots since his death & still resides there that she is very poor and has no other support than that furnished by your complainants & what she by her industry & economy provides & that she has been paying the taxes upon the whole of the property since the death of her husband and they say & believe that it is a hardship upon her, which should be relieved.

In tender and consideration whereof & forasmuch as your complainants are remediless in the premises save by the aid of a court of Equity where matters of the kind are alone and properly cognizable, your complainants

pray that the said Joseph Dwyer and John Dwyer may be made parties defendant to this bill (they being infants under the age of twenty one years of age) that they may have a guardian ad litem appointed, who may be required to answer the same. That the said real estate be divided between the parties entitled thereto & your complainants portions thereof be allotted to them; & in case the said real estate be indivisible in kind, that the same be exposed to sale & the proceeds thereof be distributed among the parties entitled thereto; that proper process may issue; and that such other and further relief may be afforded your complainants as the nature of their case may require or to equity may seem meet And your complainants will ever pray &c

Witness p. 9.
"~~~~~

Jesse Parker James
Parker et als.

vs }
" In Chancery
}

Joseph Weyner & John
Weyner infants under
age &c. ~~~~~

Bill

Josef, Parker & al.

vs { Chy. Notes

Joseph. Payner & Mo. Payner infants

1877. Aug. 28th: Summ. in chy: issued to Supts: Rules, 1877.

" Supts: 3rd. Bill filed - Peter B. Peartie's adopted gdn ad litem

to defts: who filed their answer, to which

there was a genl: repl: & cause set for

hearing on Mo. of 20th Council.

" Octo: 13th. Decree for partition &c

1878. Apl: 10. Report filed. & became copying same & for
accos.

" Supts: 4th: Report filed

" Octo: 12th: ~~Final~~ Decree. to pay money &c

1879. Apl: 12th: Continued

" Octo: 16th: Continued

1880. Apl: 14th: Continued

Chy: Tides

Costs -

CLK. \$10.00
Atto: Day 51.50

Com inis . . .

W. Cherry — 6.00

R. R. Reed 2.00

Mr. J. Pearson 2.00

Dual. Brothers 2.00

73.50

Costs

Clark . . . \$10.00

att: May . . . \$7.50

Comm: Kelly . . . 8.00

Comms.

Mr. Cheng & her gift: 6.00

Jno: F. Miller 2.00

Ro: Reddick 2.00

Vanl. Brothers 2.00

\$31.50

Jesse Parker & al.

vs.

Jos. Poyner & John Poyner, infants

—

Delivered Dec. 6th, 1915.

J. Stuart Lewis

M _____

TO G. E. BUNTING, CLERK CIRCUIT COURT
OF NANSEMOND COUNTY
SUFFOLK, VA.,

191

vs.

TAX, \$

TRANSFERS, \$

FEE, \$

RECORDING

DEED FROM

TO

Paid

191

Clerk

Commiss: Report

PETER B. PRENTIS,

Clerk of the County and Circuit Courts
of Nansemond County,

SUFFOLK, VA.

93-6

76-6

44

96-6

11

3

14