1901-016
Nansemond Co (Suffolk) Chancery Causes: Daisy E. Johnson et al vs William J. Wiggins et al

Vincent, Parker, Baker, Brothers

Daisy M. Johnson & Rowdy Johnson her husband

vs.

William J. Wiggins and Irma M. Vincent

the last named an infant.

Sum'n in January to 1st July Rule Cir. Ct. 1899.

Prince rel Wilson

P.Q.

Pay $1,50

Clerk please issue.

To. William J. Wiggins & Emma M. Vincent by
J. H. Burges her guardian ad litem.

Take notice that we shall through our Counsel apply to Judge of the Circuit Court of Nansemond County at his office in Suffolk, Va. on the 21st day of July 1899, for a decree to be entered in Vacation in the Chancery cause of Daisy E. Johnson & husband vs. William J. Wiggins & als.

Your obedient servant,

Daisy E. Johnson & by
Reuben Johnson J. J. McLemore
Counsel.

We acknowledge
due & legal service of
this notice -
July 25, 1899.

D. W. T. Durgys
Guardian ad litem
for infant defendant.

Executed July 26th 1899, by delivering a copy of this notice to the wife of Wm J Wiggins at his usual place of abode, giving information to her of its purport, the said Wm J Wiggins being absent from home -

A. S. Baker
Sheriff

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON William J Wiggins and Irma M Vincent the last named an infant

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 July 1899, to answer a Bill in Chancery, exhibited against them in the said Court by Daisy M Johnson & Reverdy Johnson her husband

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 29th day of June, 1899, in the 123rd year of the Commonwealth.

A copy—Teste:

A. P. Gomer, CLERK.

Teste:

A. P. Gomer, CLERK.

Prince & McLemore p. q.

A Copy for
Ima M Vincent

vs. } In Chancery.

Not found

1899

July Rules.

First Monday.

Nansemond Circuit Court.

Process Book No. D

Page 178

CHANCERY SUMMONS.

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A copy—Teste:

_____, CLERK.

Teste: A. P. Gomer, CLERK.

Prince & M Lemore ..... p. q.

Daisy M Johnson
and husband

vs. } In Chancery.

William J Wiggins &
Irma M Vincent

1899

July ..... Rules.

First ..... Monday.

Nansemond Circuit Court.

Process Book No. 21

Page 178

Received this July 1st 1899 by delivering a true copy of this writing to William J Wiggins & Irma M Vincent in person in my County.

J J Duncan Jr Sheriff
By A H Baker Sheriff

ESTABLISHED 1878.

Suffolk, Va., Nov 1900.

Mr J. L. McLaurie

To SUFFOLK HERALD, Dr.

Newspaper and Job Printing Establishment,

No. 9 WASHINGTON SQUARE.

☞ TERMS OF THIS BILL, NET CASH.

1900							
Jan	19	50 Bills Notice of Sale. Mrs Wiggins Land					1 00

Rec'd Payment
J. E. Booker
Nov 20 1900

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

Daisy M. Johnson et als.

vs.

W. J. Wiggins et als.

The undersigned Special Commissioner, appointed by decree of October 10th., 1899, begs to report that he has sold the property in the decree mentioned and has collected the purchase money of $33.50 and executed to the purchaser, John E. Vincent a deed with special warranty for the property purchased by him; the funds in his hands to be distributed as follows:

By amount received from sale of property.....		$33.50
To commissions on same.....	$1.67	
To paid for posters.....	1.00	
,, ,, crier.....	~~2.50~~	
To writing deed for purchaser.....	5.00	
To court costs.....	29.26	
	~~$39.43~~ 36.93	
To balance due Commissioner.....		~~$ 3.57~~ $ 2.43

Respectfully submitted,

Jas. L. McLemore
Special Comm.

Daisy M. Johnson vs
Regents of Spec.
Court.
Wm. Hirzgus rels

1901. April 9. filed

SPECIAL COMMISSIONER'S

SALE of LAND

Near Gates and Nansemond County Line.

By virtue of decree of the Circuit Court of Nansemond county entered in the chancery cause of Daisy M. Johnson vs. W. J. Wiggins et als., on the 10th day of October, 1899, the undersigned will sell at public auction, in front of the Postoffice at Suffolk, Va.,

On Saturday, Feb. 3, 1900,

at 12 o'clock, all that certain tract of land lying in the county of Nansemond, Virginia, containing about 150 acres, which was owned, previous to her death, by Mildred A. Wiggins, wife of Wiley Wiggins, deceased, the same having been bequeathed to her by her father, Hardy D. Parker, in his last will and testament. Said land lies near the Wiley Wiggins homestead, and is bounded by the State line and the lands of William Everett and wife on the south, by the "Woolfry" tract on the north, the "Richard Smith" tract on the west, and the aforesaid "Woolfry" tract and the "Wiley Wiggins" place on the east. The entire farm or nearly all of it is pocosin. Same is being sold for partition.

TERMS—One-third cash, remainder in one and two years from day of sale, the purchaser executing two bonds for deferred payments and a deed of trust upon the property to secure same, the cost of which is to be borne by the purchaser, with the option to pay the entire purchase price and take a deed upon confirmation of the sale by the Court.

JAMES L. McLEMORE,

JANUARY 9, 1900. SPECIAL COMMISSIONER.

I, A. P. Gomer, Clerk of the Circuit Court of Nansemond county, do certify that the bond in the above cause has been given by the special commissioner, with security deemed sufficient by me.

Given under my hand this 18th day of January, 1900.

A. P. GOMER, Clerk.

Sold to J. E. Rind for $33.50
Feb. 3, 1900 — J. L. McLemore Comr

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

Your Commissioner begs respectfully to report that in pursuance of decree of October 10th 1899 directing sale of the tract of land owned by the late Mildred A. Wiggins, and supposed to contain about one hundred and fifty acres, lying near the State line, and adjoining the Wiley Wiggins homestead, after duly advertising same in accordance with said decree, he exposed the same to sale, at Suffolk, Virginia, on Saturday February 3rd, 1900, and John E. Vincent became the purchaser by bidding therefor the sum of $33.50, that being the highest price bid for same.

Your Commissioner respectfully reports that finding it very difficult to locate this property, same being of pocosin land, he had same surveyed by county surveyer B. P. Baker, and as a result of this survey, he finds that instead of there being one hundred and fifty acres in the tract of land, that there was only thirty three and one half.

Your Commissioner returns herewith the plat of the said property showing its location and the meets and bounds of same; and while same looks to be a very low price for the property, yet the same was well advertised, and your Commissioner was informed that it has no value either as farm land or otherwise: certainly not for a long period of years, as the land is low and wet and the timber has been all cut off. Under the circumstances, he respectfully reccommends that the sale be confirmed.

Respectfully submitted,

Jas. L. McLemore

Johnson vs.
Wiggins.
Report of Sale

1900. April 10th. filed

Daisy M. Johnson et als.

vs.

W. J. Wiggins et als.

This day this cause came on again to be heard upon the papers formerly read and upon the report of Special Commissioner J. L. McLemore, filed this day, reporting sale of the land in the bill and proceedings mentioned, to which report no exceptions have been taken, and was argued by counsel.

On consideration whereof, the Court doth confirm the said report, and doth adjudge, order and decree that the said Special Commissioner, upon receipt of the purchase money, execute to the said J. E. Vincent a deed with special warranty for the property purchased by him, and out of the funds in his hands pay the cost of this suit and report to Court.

Daisy M. Johnson et als.
vs.
W. J. Wiggins et als.

DECREE

1900. April 10th.
Entered.

Entered in Chancery Order Book No. 3. Page 271.

~~VIRGINIA, IN VACATION,~~

~~IN THE CIRCUIT COURT OF NANSEMOND COUNTY, SEPTEMBER 20TH, 1899.~~

Daisy M. Johnson and Reverdy Johnson, her husband
vs.
William J. Wiggans and others.

This day this cause came on again to be heard upon the papers formerly read, upon report of Commissioner C. H. Causey Jr., filed September 1st, 1899, to which no exceptions have been taken ~~upon reasonable notice to the defendants of plaintiff's intention to apply for this decree in vacation~~, and was argued by Counsel.

On consideration whereof and it appearing to the Court from said report of Commissioner Causey, that the land in the bill and proceedings mentioned ~~could~~ can not be conveniently partitioned in kind among the parties entitled thereto, doth adjudge, order and decree that James L. McLemore who is hereby appointed Special Commissioner for the purpose, do proceed, after reasonable notice of the time, place and terms of the sale, to expose said real estate to public sale at such time and place as he may think best, selling same for cash, one third and the residue in one and two years with interest from the day of sale evidenced by the bonds of the purchaser, and report to Court.

But before the said Commissioner shall proceed to act hereunder, he shall enter into bond before the Clerk of the Circuit Court of this County, in the penalty of $300.00 with approved security conditioned for the faithful performance of this or any future decree that may be entered herein.

~~To the Clerk of the Circuit Court of Nansemond County.~~

Johnson thurbaud
v.
Wiggins tals

Decree

Oct. 10th
1899. ~~Sept. 20th~~
Entr.

Robert Mills

Entered in Chancery
Order Book No. 3
Page 224.

Virginia, in Vacation in the Ciucuit Court of Nansemond County

July 28th, 1899.

Daisy M. Johnson and Reverdy Johnson, her husband,

vs.

William J. Wiggans and Irma M. Vincent.

This day, this cause which has regularly matured at rules, came on to be heard upon the bill, and exhibits filed, and J. U. Burgess is assigned Guardian ad litem to the infant defendant Irma M. Vincent to defend her interest in this suit, and thereupon the said Guardian ad litem filed the answer of the infant defendant, to which plaintiff replied generally; upon bill taken for confessed as to the adult defendant; upon reasonable notice given to the defendants, of plaintiffs intention to apply for this decree, and was argued by Counsel.

On consideration whereof, the Court doth adjudge, order and decree, that the papers in this cause be referred to one of the commissioners of this Court, who is directed to inquire and report to Court;

First; Whether the land in the bill and proceedings mentioned can be conveniently partitioned in kind, among ~~to~~ the parties entitled thereto, or partitioned in any of the modes prescribed by the statute.

Second; If not, whether the interest of any party will be violated by sale of the entire subject matter, and division of the proceeds.

Third, The fee simple value of said land, and whether or not there are any delinquent taxes against the same; all of which he will report, together with any other matter specially stated, deemed pertinent by the commissioner, or required to be stated by any party in interest.

To the Clerk of the Circuit Court of Nansemond County

Robert R. Ellis

Daisy M. Johnson, &c

vs. Decree

W. J. Wiggins & als.

Enter July 28th 1899.

Robert R. Prentis

Recorded in Chancery
Order Book No 3
Page 224,

Stations and bearings of the Mrs Mildred A. Wiggins' tract of land. —

Beginning at a lightwood stake about 134 feet from Jackson & Co old road bed a corner with Jasper Smith on the Wolfrey tract and running S. 35° W. 431 feet to a pine thence S. 37½ W. 462 feet to a black gum, thence S. 30° W. 960 feet to a point in Jackson & Co. old road way in the stake line, thence along the stake line S. 86½° E. 928 feet to a pine thence S. 71° E. 299 feet to a pine on the Wm Everette tract of land, thence the Everette line N 20¾° E. 491 feet to a pine, thence N 20° E. 670 feet to a sweet gum, thence N. 31° E. 250 feet to a dead pine a corner of the Everette tract on the Wolfrey tract, thence N. 63½° E 630 feet to the beginning, and contains 33½ acres

B P Potter

A Plat of the Wolfrey tract of land, sold by Jas. L. McLemore Special Commr. in the Chancery Cause of Wiggins for &c. vs. Wiggins et al. on the 8th. day of September 1898, made by Beverly P. Baker County Surveyor.

The bearings and distances of the Wolfrey tract of land, or the Parker's Possession —

Beginning at a pine a corner with Rendy Hudson on Mitchael Parker, and running along Parker's line N. 51° W. 858 feet to a pine, thence N. 78½° W. 451 feet to a dead pine in a log a corner with Mitchael Parker and Humphrey Lang & Charles Rudsell, thence their line N. 50° W. 948 feet to a pine stump. 3 small pines marked, thence same course 332 feet to a pine, thence N. 66° W. 863 feet to a dead black gum thence N 64½ W. 755 feet to a black gum on Willis Horton thence Horton's line N 74° W 876 feet to a pine a corner of Willis Horton with F. R. Ellenor thence Ellenor's line N 72° W. 171 feet to a pine, thence N. 69½° W 102 feet to a pine, thence N. 78½° W. 266 feet to a pine, thence N. 73½° W. 196 feet a dead pine, thence N. 77½° W. 94 feet to a B. Gum. thence N. 87½° W 627 feet across the N & C. R.R. and Jackson & Co old road way to a stake, thence S. 48½° W. 2150 feet to a sweet gum in a small branch, a corner of F. R. Ellenor, Wm Horton and H. S. Doughtie, thence Doughtie's line, S. 48½° W. (the same course of the last one) 1102 feet to a pine stump, thence S. 54¼° W. 684 feet to a dead pine, thence S. 60° W. 142 feet to a pine corner with H. S. Doughtie and Jasper Smith, thence Smith's line S. 1½° W. 994 feet across the N & C. R.R. to a Maple, same course 471 feet to a stake thence S. 46 E 600 feet across Jackson & Co Road way to a stake & small marked pine near a corner of Jasper Smith and thence, S. 35° W. 431 feet to a pine. thence S 37½ W.

+ Mrs Mildred Wiggins, thence S 63½ E 630 feet to a dead pine a corner of Mrs Mildred Wiggins and Wm Everette. thence S. 64 E &c —

462 feet to a black gum, thence S. 30 W. 960 feet to a point in Jackson & Co. old Road way in the State line, thence along the State line S 86½° E. 928 feet to a pine thence S. 71° E. 299 feet a pine on the Wm. Everett tract of land. Thence the Everett line. N 20¾° E. 491 feet to a pine, thence N 21° E. 670 feet to a sweet-gum thence N. 31° E. 250 feet to a dead pine a corner of Mrs Mildred Wiggins and Wm. Everette. thence S. 64° E 604 feet to a sweet-gum a corner, thence N. 53 E. 274 to a dead pine. thence N. 62° E. 200 feet to a pine a corner, thence S. 37½° E. 220 feet to a pine, thence S. 34° E. 190 feet to a spruce pine, thence S. 36° E. 848 feet to a pine side fence. thence S. 34° E. 923 feet to a stake a corner with the Everett land. on Lonnie Parker. thence Parker's line N. 88° E. 520 feet to a post-oak, thence N. 86½ E 760 feet to a dead water oak, thence N 89¼° E. 332 feet to a maple thence S. 85° E. 860 feet to black gum, thence S. 87° E. 303 feet to a pine, thence S. 89° E. 870 feet to a pine on Richard Savage, thence N. 82° E. 469 feet to a Hickory. same course 669 feet to an Iron post a corner with Richard Savage on Frank Smith, thence Smith's line, N 3¾° E. 303 feet to a pine, thence N. 5° E. 313 feet to a pine, thence N. 4° E. 540 feet to a pine, thence N. 5° E. 270 feet to a pine, thence N. 3° E 186 feet to a pine, thence N. 4° E. 678 feet to a black gum, thence N. 5½° E. 329 feet to a pine, thence N. 16° W. 257 feet to a pine, thence N. 73½° E. 150 feet to a black gum, thence N. 53¾° E. 120 feet to a sweet-gum, thence N. 54° E. 302 feet to a sweet-gum, thence N. 44° E. 546 feet, by the corner of Frank Smith and Reverdy Johnson to the pine the beginning. Containing 900 acres and 33½ acres. —

January 22nd 1900

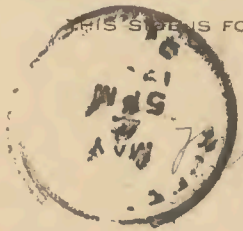
N. P. Parker C. S. —

Present when the survey was made —
Mitchel Parker.
Umphrey Savage.
Charlie Russel
Willis Horton
Andrew Carter
Jasper Smith
Mrs Wm. Everett.
Rich'd E. Savage
Frank Smith
John E Vincent

POSTAL CARD - ONE CENT.

UNITED STATES OF AMERICA.

THIS SPACE IS FOR THE ADDRESS ONLY.



Mr. Jas. T. McLemore,
Suffolk,
Virginia.

Holland, Va.,
May 4, 1900.

Dear Sir:—

I forgot to get my map I left in your office yesterday. Please send it to me by mail.

Very truly,
J. E. Vincent.

This plat is the property of J. E. Vincent & was mailed to him May. 5. 1900

J. L. McLemore

It shows the Wolfpen track & the Mildred a wiggin track

Commissioner's Office,

Suffolk, Va., Aug. 4. 1899.

To Daisy M. Johnson and Reverdy Johnson, her husband,

add

William J. Wiggins and Irma M. Vincent, the last named being an infant under the age of twenty-one years and J. U. Burges, her guardian adlitem.

You are hereby notified that I have fixed upon the 14. day of August, 1899, if fair, if not, on the next fair day thereafter, Sunday excepted, to take, state and settle at my office, the following accounts:

First; Whether the land in the bill and proceedings mentioned can be conveniently partitioned in kind, among the parties entitled thereto, or partitioned in any of the modes prescribed by the statute.

Second; If not, whether the interest of any party will be violated by sale of the entire subject matter, and division of the proceeds.

Third; The fee simple value of said land, and whether or not there are any delinquent taxes against the same; all of which he will report, together with any other matter specially stated, deemed pertinent by the commissioner, or required to be stated by any party in interest: required to be taken by a decree of the Circuit Court of the County of Nansemond, rendered on the 20th. day of July, 1899, in a suit in Chancery depending between you, at which time and palce you are required to attend.

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

C. H. Causey Jr.

Commissioner in Chancery

1899, August 4th.

Executed by delivering a true copy of the within notice to Mrs. William J. Wiggins, ~~xxxxxxxx~~ explaining its purport to her, William J. Wiggins not being found at his usual place of abode, he being absent from home.

R E Norfleet

Deputy for A. H. Baker,
Sheriff.

Commissioner's Office,

Suffolk, Va., Aug. 4. 1899.

To Daisy M. Johnson and Reverdy Johnson, her husband,

and

William J. Wiggins and Irma M. Vincent, the last named being an infant under the age of twenty-one years and J. U. Burgess, her guardian ad litem.

You are hereby notified that I have fixed upon the 14. day of August, 1899, if fair, if not, upon the next fair day thereafter, Sunday excepted, to take, state and settle xxx at my office, the following accounts:

First; Whether the land in the bill and proceedings mentioned can be conveniently partitioned in kind, among the parties entitled thereto, or partitioned in any of the modes prescribed by the statute.

Second; If not, whether the interest of any party will be violated by sale of the entire subject matter, and division of xxx the proceeds.

Third; The fee simple value of said land, and whether or not there are any delinquent taxes against the same; all of which he will report, together with any other matter specially stated, deemed pertinent by the commissioner, or required to be stated by any party in interest: required to be taken by a decree of the Circuit Court of the County of Nansemond, rendered on the 28th. day of July, 1899, in a suit in Chancery depending between you, 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 above written.

C. H. Causey Jr.

Commissioner in Chancery.

1899, August 4.

Due, legal and sufficient service of the within notice is herby accepted.

Daisy M. Johnson and
Reverdy Johnson by J. L. McLemore Att.
Counsel for Daisy M. Johnson and Reverdy Johnson, her husband.

J. H. Barnes
Guardian adlitem for the infant defendant, Irma M. Vincent.

Commissioner's Office,

Suffolk, Va., August 22. 1899.

Daisy M. Johnson and Reverdy Johnson, her husband, Plaintiffs.

Against -- :: -- In Chancery

William J. Wiggins and Irma M. Vincent, the last named being an infant under the age of twenty-one years and J. U. Burges, her guardian ad litem. Defendants.

To the Circuit Court of Nansemond County:

Pursuant to the Decree of this Court pronounced in the above entitled cause on the 28, day of July, 1899, the undersigned, one of the Commissioners in Chancery of this Court, ~~having~~ having first given notice as required by law, which notice is herewith returned, duly executed, proceeded on the day named in said notice to take and settle the several accounts as directed in said Decree, being unable to complete his labors on said day named in the notice the same have been continued from time to time to this day, when the same are completed.

The result is herewith returned and is as follows:

I.

Whether the land in the bill and proceedings mentioned can be conveniently divided in kind, among the parties entitled there to, or partitioned in any of the modes prescribed by the statute.

The land in the bill and proceedings mentioned is all woodland. In the opinion of your Commissioner the same cannot be conveniently divided in kind among the parties entitled thereto. See depositions of Mr. Beverly P. Baker and Mr. Wm. H. Brothers, herewith filed with this report.

II.

If not, whether the interest of any party will be violated by sale of the entire property, and division of the proceeds. Your Commissioner is advised and believes, from what he knows of his own knowledge, and from what he has derived from others that a sale of the entire property and a division of the proceeds among the parties entitled thereto will enure to the benifit of all the parties.

III.

The fee simple value of said land, and whether or not there are any delinquent taxes against the same.

The fee simple value of the land in the Bill and proceedings mentioned does not exceed in value $150.00

There are no delinquent taxes against the said land.

Your Commissioner further reports that neither Mr. William J. Wiggins , one of the defendants in this cause, nor Mr. J. E. Vincent, the father of the infant defendant, object to the sale of the land in question, but on the other hand are desirous that a sale should be had and a division of the

proceeds be made among the parties entitled thereto. The statements of Wiggins and Vincent were not made under oath.

Respectfully submitted,

C. H. Causey Jr.

Commissioner in Chancery.

Fee $10.00
Changed to $5.00 account
Small interest for land
C.H.C. Jr. Comr.
Paid

Please state your name, age, residence and occupation?
Beverley P. Baker, 59 yrs. Nansemond Co.
County Surveyor

Do you know the parties to this suit?
yes.

Do you know anything about the character of the land in the Bill and proceedings mentioned? It is woodland-

Would, or would not the interests of the parties entitled thereto be promoted by a sale of the land and a division of the proceeds among the proper parties? It would be better to sell it than to divide it - It is back from the road.
Has the land in question any annual value?
It has no rental value -

What is its fee simple value?
about $100 - Possibly $125.
Might sell for more but I doubt it.

Further this deponent saith not.

B. P. Baker

The above interrogatories were answered under oath by the deponent, before the undersigned, and subscribed to this 14th. day of August, 1899.

C. A. Causey Jr.

Commissioner in Chancery.

Please state your name, age, residence and occupation?
William H. Brothers, 59 yrs, Nurseryman and G., Farmer.

D o you know the partirs to this suit?
yes.

Do you know anything about the character of the land in the Bill and proceedings mentioned? The land in question is woodland - I have been on the land -

Would, or would not, the interests of the parties entitled thereto be promoted by a sale of the land and a division of the proceeds among the parties? Certainly - I should judge so -

Has the land any annual value? No sir -

What is the fee simple value of the land? From 75 cts. to $100 pr. acre - about $125. for the whole piece.

Further this deponent saith not.

W. H. Brothers

The above interrogatories were answered under oath by the deponent, before the undersigned, and subscribed to, this 14th. day of August, 1899.

C. H. Carey Jr.
Commissioner in Chncery.

Johnson et al

v. } Report of Commr. Camp dated Aug. 22. 1899.

Wiggins & Co

1899 Sept 1st Filed

A. L. Gomez Clerk

Daisy M. Johnson, et als.

vs.

W. J. Wiggins et als.

This day this cause came on again to be heard upon the papers formerly read and upon the report of Special Commissioner, James L. McLemore, filed this day showing disbursement of funds in his hands supported by proper vouchers, to which report no exceptions have been taken and was argued by counsel.

On consideration whereof, the court doth confirm the said report and the deed to the purchaser, John E. Vincent as reported therein, and nothing further remaining to be done in this cause it is ordered that same be removed from docket.

Daisy M Johnson

v Decree

Wm Higgins et al

1906, April 9th.

Entered.

Robert C Davis

Entered in Chancery
Order Book No. 3.
Page 347.

In the circuit court of Nansemond county, Virginia.

The answer of Irma M. Vincent by H. Burgess, guardian ad litem to the infant defendant,

and the answer of the said infant defendant by her said guardian ad litem to the bill of complaint exhibited against her and others in the circuit court of Nansemond county, by Daisy E. Johnson & Reverdy Johnson

For answer to the said bill the said infant defendant by her said guardian ad litem answers and says: that being of tender years she does not know what her true interest is in relation to the subject matter of the said bill, nor does she know whether the statements contained therein are true or not. She confides the protection of her interest to the care of the court. And the said guardian ad litem to the said infant defendant for answer to the said bill answers and says, that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the said infant defendant. And now having fully answered, these defendants pray hence to be dismissed with their cost.

H. A. Burgess

Guardian ad litem for infant.

for Irma M. Vincent.

Johnson vols.
vs Answer of
Hyde admitted.
Wiggins vols.

1899 Jul Rules Cir.
Ct. 3rd Monday

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

---In Chancery---

Complaining showeth unto the Court your complaints, Daisy E. Johnson and Reverdy Johnson, her husband, that your complainant Daisy E. Johnson, is jointly seized and possessed along with William J. Wiggins and Irma M. Vincent of a certain tract of land lying in the County of Nansemond, containing about one hundred and fifty (150) acres more or less, which they derived by descent from Mildred A. Wiggins, wife of Wiley Wiggins deceased, the same having been bequeathed to the said Mildred A., by her father, Hardy D. Parker, as will appear by reference to a copy of the will of the said Hardy D. Parker herewith filed as a part of this bill, marked "A".

The said real estate is bounded by the State line and the land of William Everett and wife on the South, by the Wolfrey tract on the North, the Richard Smith tract on the West and by the home place of Wiley Wiggins deceased, and the Wolfrey land on the East.

That the said Mildred A. Wiggins was the mother of William J. Wiggins and the grand-mother of your complainant, Daisy E. Johnson who is the sole heir of her mother, now deceased, who was formerly Wiggins, and also of Irma M. Vincent who is the sole heir of her mother, Vincent who was formerly Wiggins; which three parties to-wit, Daisy E. Johnson, William J. Wiggins and Irma M. Vincent, are the only heirs of Mildred A. Wiggins, wife of Wiley Wiggins, and daughter of Hardy D. Parker, the said Mildred A., having died intestate.

Your orators would further state that said real estate is not, in their judgment, susceptable of partition in kind among the parties entitled thereto, but if it is they desire same so partitioned, and if it be not, then your complainants desire the same to be sold

and the proceeds divided among the adults and infants, parties acoring to their respective rights. Should not the property be divisable in kind, your complainants believe and here state that the interests of those who are entitled to said real estate or proceeds will be promoted by sale of the said real estate or by allotment of part and sale of the residue.

In tender consideration whereof, and for as much as your complainants are remediless in the premises save by the aid of a court of equity, where matters of this kind are alone and properly cognizable, your complainants pray that William J. Wiggins and Irma M. Vincent, the last named infant, be made parties defendants to this bill and required to answer same. Answers ~~made~~ under oath being expressly waived; that a proper guardian ad litem be assigned the infant defendant to defend her interests in this suit, who shall also answer this bill; that the said real estate be divided between the several parties entitled thereto, and your complainants' portion thereof be allotted to her, and in case the said real estate cannot be partitioned and divided in kind, that the same be exposed to sale, and the proceeds of such sale be divided among the parties entitled thereto; that all proper orders and decrees may be made and proper inquiries be directed, and that all such other farther and general relief may be afforded your complainants as the nature of their case may require, or to equity shall seem meet.

Notice is hereby given that the Court will be asked to allow reasonable fees to plaintiffs counsel, conducting this cause, and your orators will ever pray, &c.

Prince and McSmore. p.q.

Johnson Daisy & husband

vs. { Bill & Ex

Wiggins Wm J. et als.

JAMES L. McLEMORE,

Attorney-at-Law,

COURTLAND, VIRGINIA.

Everett Waddey Co., Stationers and Printers, Richmond, Va.

Costs

Clerk	$6.76 pd
Suff	1.00 pd
Jail	1.50 pd
Cmr.	10.00 pd
Atty	15.00 pd
	$34.26

[illegible] Lemore pg.

Daisy M Johnson vs thus

vs } In Chancery

Wm. J. Wiggins vs thus

1901

April 9th.

Final Decr