

1905-010

Nansemond Co (Suffolk)

Chancery Causes: George Melton Holland et al vs Alexander Byrd

George Milton Holland S E Everett pay

1900

To A. P. GOMER, Clerk Circuit Court of Nansemond County, Dr.

Sept-
13th

Tax and Clerk Fees in suit *in Chancery*

against Alexander Prood

\$ 1.50

Nov 20th 1900 Paid by S E Everett

A P Gomer

Clerk.

S E Everett
\$ 1,50

To A. P. Gomer, Clerk of the Circuit Court of Nansemond county, Va.
George Melton Holland and Abram P. Holland.....Complainants,
Against- In chancery.
Alexander Byrd.....Defendant.
Issue Summons to Third Monday Rules in September, 1900.
Tax \$1.50.
.....*S. S. Gomer*.....p. q.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Alexander Byrd*

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 *Third* Monday in *September 1900*, to answer

a Bill in Chancery, exhibited against *him*
in the said Court by *George Milton Holland & Abram P Holland*

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this *13th* day of *September*, 1900, in the 125th year of the Commonwealth.

A copy—Teste:

Teste:

_____, CLERK. }

A. P. Gomer, CLERK.

Alexander Byrd not being found at his usual place of abode, I executed
the within summons by delivering a true copy of the same to Mrs. Elizabeth Byrd
his wife, a female about 16 years of age whom I found there and to whom I explained
the purpose of the same This 17th day of September 1900.

A H Baker Sheriff

S E Everett p. q.

Geo. M. Holland &
A P Holland

vs. } In Chancery.

Alexander Byrd

1900
September Rules.
Third Monday.

Nansemond Circuit Court.

Process Book No. 21

Page 200.

Margaret Holland

Willard To Eliza Byrd.

Walter Byrd

Eliza Byrd

Almira Byrd

Sam. Byrd

Mary Byrd

her

Melina Holland

over

Mary Byrd died
before Eliza Byrd
died her mother

SOUTHERN BELL TELEPHONE No. 117.

SOUTHERN STATES TELEPHONE No. 2994.

OFFICE OF

S. E. EVERETT,

ATTORNEY AT LAW.

PRACTICES IN STATE AND

FEDERAL COURTS.

ROOMS NOS. 1 AND 2 BREWER BUILDING.

In the Matter of

Suffolk, Va.,

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

George Melton Holland and Abram P. Holland,.....Complainants.

vs. In Chancery.

Alexander Byrd,.....Defendant.

On motion of the complainants this cause is dismissed and the
same is ordered to be sticken from the docket.
X

George Melton Holland and others,
vs. In Chancery.
Alexander Byrd.

Enter March 17, 1905.

Robert H. Hunt

Entered in Chancery

Order Book No. 3?

page 640 ____.

To the Honorable Robert R. Prentis, Judge of the Circuit Court of Nansemond county, Virginia:

George Melton Holland and Abram P. Holland.....Complainants,
Against. In Chancery.

Alexander Byrd.....Defendant.

Complaining showeth unto the court, your complainants, ^{George} Melton Holland and Abram P. Holland, the following case: That Eliza Byrd died seized and possessed of a small tract of land in Nansemond county, Virginia, containing about eleven acres, and situated near Holland, and bounded on every side by the land of Alexander Byrd; and being so seized and possessed of said real estate, some time in the year, 18..., the said Eliza Byrd departed this life intestate, leaving a husband who has since died, Walter Byrd, Alexander Byrd, Oliver Byrd, and George Melton Holland, son of Mary Byrd, who was the daughter of the said Eliza Byrd, deceased, who died before the said Eliza Byrd, and the said Mary Byrd married Abram P. Holland and the said George Melton Holland is the son of the said Mary Holland, deceased and Abram P. Holland- these are her only children and heirs at law. Your complainant, Abram P. Holland has no interest in the said estate and claims none, as his wife, Mary Holland died before her mother, Eliza Byrd.

And your complainants farther state, that the said real estate is, as they believe, susceptible of partition among the parties thereto, who are now George Melton Holland and Alexander Byrd who has purchased the interest of all the other heirs; but if it be not susceptible of partition, then your complainants desire the same to be sold and the proceeds divided ^{among} to the parties entitled thereto. Should the property not be divisible in kind, your complainants believe, and here state, that the interest of those who are entitled to the said real estate, or its proceeds would be promoted by a sale of the whole of the said real estate, or by an allotment of part and sale of the residue.

In tender consideration whereof and forasmuch 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 the said Alexander Byrd may be made a party to this bill and required to answer the same, but answer under oath waived; that proper process issue; that the said real estate be divided between the parties

entitled thereto, and your complainant's portion be allotted to him, 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; and that all proper orders and decrees may be made, and proper enquiries 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. And your complainants will ever pray, etc.

Counsel

J. E. Everett
.....

.....

.....

Complainants.

S. C. Everitt P. G.

Rev Melvin Holland
and Chas. P. Holland
Against the Chancery
Alexander Byrd.

Geo M Holland &c
vs In Chancery
~~Alexander Byrd~~

1900 Sept 13th. Process issued returnable
to Sept rules 3rd Monday

" " 17 Process returned executed
on defendant.

Bill filed and decree
nisi against said defendant

" Oct 1st. Decree nisi confirmed and
cause set for hearing.

Villandsc
ncy
Alexander Boyd

1905
March 17th
Final Decree.

Costs-

Clerk 2.34

Smut 1.00
3.35

Tax 1.50

Shoff 50

all 15.00
20.35