

1884-20

Southampton County - Chancery

Griggard, F. P. ^{et al}

vs. Harris, Susan ^{et al}

"Land Partitioned, as-
selt and proceeds divided
According to the rights of
the parties"

Griggard, F. P. +
Griggard, Mary A.

Harris, William D.

Richardson, Jno -
Richardson, Susanna
his wife

Prince, James R. +
Prince, Caroline D.
his wife

To the Honorable George Blaw, Judge
of the Circuit Court of Southampton
County, In Chancery—.

Humbly Complaining,
Sheweth unto your Honor, your Com-
plainants, F. P. Grizzard and Mary A.
his wife, that sometime during the
year 18—; William P. Harris departed
this life intestate, leaving as his heirs
at law and distributees the following
parties, to wit: His widow, Susan H.
Harris, a son, William D. Harris,
a daughter, Mary A, who has since
intermarried with F. P. Grizzard, a
daughter, Susanna V. who has since
intermarried with Mo. H. Richardson
and a daughter, Caroline J. who is a
minor and has since intermarried with
Jas D. Prince, that the said William
P. Harris at the time of his death
was seized and possessed in fee of a
tract of land in Southampton County
Containing about 850 acres, and also
of another tract of about 150 in
Sussex County; that dower has been
assigned to the widow of the said William
P. Harris, and that, Mo. H. Richardson
and Susanna, his wife, have sold their

interest in the said real estate to William D. Harris, that in the opinion of your Complainants the said real estate is not susceptible of partition without great injury to the interest of some of the parties. Notice hereby given that application will be made to the Court for a reasonable attorney's fee out of any fund under the Control of the Court.

In Consideration of all which and in as much as your Complainants are without remedy in the premises save in a Court of equity where matters of this kind are properly cognizable, your Complainants pray that Susan H. Harris, William D. Harris in his own right and as vendor of Mrs. H. Richardson and Susanna V. his wife, James D. Prince and Caroline J. his wife, may be made parties defendants to this bill and compelled to answer its allegations; that some fit and proper persons may be appointed guardian ad litem to defend the interest of the infant defendant, Caroline J. Prince, that your honor will appoint ~~a~~ Commissioners to enquire and report whether the said

real estate is susceptible of partition
~~amongst~~ amongst the heirs or not - and,
if it be so susceptible, then that the
same may be divided, but if not so
susceptible then that the same may
be sold and the proceeds divided accor-
ding to the rights of the parties, and
that, the reversion in the dower interest
of Mrs Susan A. Harris may also be
sold or divided as may seem best, and
that your honor will grant such other,
further, general and special relief as
the nature of the case may require
and as to equity may seem meet -
And as in duty bound your Com-
plainants will ever pray &c

May it please the Court &c.,
J. B. Prince, f.c.

The answer of Caroline J. Prince
by James D. Prince, her guardian ad
litem to a bill of Complainant exhib-
ited against herself in the Circuit
Court of Southampton County by F.
A. Grizzard and wife,

This respondent saving and
reserving &c, for answer to said bill or
~~some~~ much thereof as she is advised

it is material answer, says, that she
is a minor and ~~knows~~ nothing of the
facts alleged in the said bill. She, there-
fore, submits her rights to the protection
of this Court, and having answered
prays hence to be dismissed &c.,

J. D. Prince
G'dm and litem.

[Signature]

129
Garrison wife
vs Bill

Harris et als

1882 April Rules

1882 April Rules

Commissioner's
Bond

Know all men by these Presents, That we *J. B. Prince and*
J. H. Prince

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of *Fifteen*
ten and ————— Dollars, to the payment whereof well and truly to be
made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the
obligors herein, hereby waive the benefit of our homestead exemption as to this obligation. Sealed with our seals and dated this
29 day of *May* A. D. 1883.

THE CONDITION of the above obligation is such that if the above bound *J. B. Prince as*
Comptroller in Chancery *in* *the* *suit* *of*
Grizzard and wife vs Harris &c.

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

Signed, sealed and delivered }
in presence of the Court.

J. B. Prince [Seal.]
J. H. Prince [Seal.]
[Seal.]
[Seal.]

Gyford & wife

20.

Sum day

Harri + Co

1882. April Rules

Executed by delivering
Susan H. Harris, Lem J. Harris
Jno H. Richardson & Susan with
his wife & Jas W. Driscoll &
Caroline J. his wife
each a copy of the
Summons on the 27th
day of March 1882

Attest Carolyn W
for W. L. Mcgregor Shff

Office Commissioner

March 1882

1882 in the

Wm.

THE STATE OF NEW YORK
County of ...
ss. I, the undersigned, Clerk of the said County, do hereby certify that the within and foregoing is a true and correct copy of the original thereof as the same appears from the records of the said County.

NOT FORWARDED TO THE COMMISSIONER

RECEIVED BY THE COMMISSIONER

FILED FOR THE RECORDS OF THE COMMISSIONER

The Commonwealth of Virginia,

To the Sheriff of Southampton County - GREETING:

WE COMMAND YOU TO SUMMON *Susan A. Harris, Wm. S. Harris,*
in his own right as Vendor of John H. Richardson & Susanna
v. his wife, + James S. Prince, & Caroline J. his wife,

to appear at the Clerks Office of our Circuit Court of Southampton County
at the Rules to be holden for the said Court on the first Monday in _____

April next to answer a bill in chancery exhibited against *them* in our
said Court by *T. P. Griggard and Mary J. his wife,*

and have then there this writ.

Witness, **LITTLETON R. EDWARDS**, Clerk of our said Court at the Court
House, this *27th* day of *March* 1882, in the *106th* year
of the Commonwealth.

L. R. Edwards, Clk

~~115~~ 729 ~~116~~ 108
106

Grizzard & Wife
v { Stat. Rules

Harris & Co

In Southampton Circuit Court

F. P. Gougeard & Mary A his wife Plaintiffs

against
Susanna A Harris, N^w D Harris in his own right and as vendor
of Ino St. Richardson & Susanna V his wife, James D Prince &
Caroline his wife Defendants

1882. March 24th Summons issued -

" April 18th Summons returned Executed Bill filed J. D.
Prince assigned Gon ad litem to infant Defendants

" Caroline J Prince - answer of infant Gon^s Replication
thereto Deora Visi to the adult Defendants -

" May 11th Bill taken for confessed as to adult Def^s and cause

1883 " " set for hearing as to all the parties by
Deora &c

Guyard & Wife

No.

Garris & Co

Report & Compendium

1882. Oct. 25th filed.

To Southampton circuit Court

We the undersigned Commissioners, appointed
by the said Court at May term, to divide the
land belonging to the estate of Wm. T. Morris
Dec. between his heirs, do make the following
Report, We met on the premises at the ~~app~~
appointed time, after notifying all the parties
concerned, after due deliberation we found that
we could not divide the land equally or ~~by~~ ^{by} ~~value~~
^{because some was at all open land & some was timbered land}
and decided with consent of the parties interested
^{and all now being of age}
(all being present), that it ^{was} best to sell the land to
the highest bidder, subject to the Weddows Dower
and divide the proceeds, This being agreed to by the
parties interested, we Respectfully submit the fol-
lowing report; We considered the Cash value of the land
to be about \$1.000. No party would take the land
and pay to the others such ^{as their judgments demanded}
George N. Richardson
Joseph D. Smith
John Williams } Commissioners
-15-
Oct 21 1882

Grizzard & wife
vs 3 Report
Harris & Co

Vouchers
inside

Oct 13. 1883 Filed.
W. P. Ceh

Grizzards wife

vs 3 Report of Comr J.B. Princes.

Harris.

In this cause, your Court submits
the following report.

The amt of sale was \$1355.00

- Expenses -

To attor fee .. \$30.00

" fee for deed 5.00

" Commission. 36.10

" Clerk's fee. 10.00 paid J. R. Taylor Esq?

" Auctioneer 2.50

" Sheriff - 1.00 \$84.60

Nett amt for distribution. \$1270.40

1/4. to J. P. Grizzards wife .. \$317.60 ✓

3/4 " W. D. Harris .. \$952.80 = \$1270.40

I have collected the whole purchase
money, distributed it as above and
executed a deed with special warranty
to the purchaser. Acpts for disbursements
filed herewith. There is nothing further
to be done in this suit, all of which
is respectfully submitted.

Oct 13. 1883

J. B. Prince Comr

To Judge Circuit Court. }

Southampton. Co. }

Received June 16. 1883 of J. B. Pinner
Cash his hundred and thirty five
20/100 dollars in full of my interest
in my own right and as vendee of
Jno. H. Richardson and Suranna V. his
wife, in the land sold by him
formerly belonging to Wm. P. Harris
decd.. W. P. Harris

Southampton 20th June 1888

Mr. J. B. Prince

Will please pay to W. J. Harris
the money for my interest in lease of land you
~~will~~ and by so doing much oblige yours Respectfully
C. J. Prince

Received June 16,
1883. of J. B. Prince
Cash Three Hundred
Seventeen 67.00
dollars in full of
this order. W. J. Harris

Mr. A. B. Prince,

You will please pay
the money you owe me for my
land to Franklin P. Grizzard &
and oblige, Yours Respectfully
Mary A. Grizzard.

Oct 13th 1883 }

Received Oct 13. 1883 of J. B. Quinn
Cash Three Hundred Seventeen
60/100 dollars in full of this order.
J. P. Grizzard

Wizgans & Wife
vs 3 Report B
Harris & Sal

Erizz and wife

vs 3 Report of Comr. Price.

Harris &c.

Pursuant to decree of Nov Term 1882, I advertised the land in the proceeding mentioned and sold the same at public auction Decr 16. 1882. and at the sale so made W.D. Harris became the purchaser by bidding therefor the sum of \$1355.00. The purchaser paid in cash \$338. which is $\frac{1}{4}$ of the purchase money. and gave two bonds each for \$457.66. due in 12 & 18 mos. which are herewith returned. The reason why only $\frac{1}{4}$ of the purchase money was paid in cash was that the purchaser was entitled in his own right to $\frac{3}{4}$ of the land. The sale is a good one and your Comr. recommends its confirmation.

Respy Submitted,

To Judge Levi Ch.

Soampton.

May 9. 1883.

J. B. Price
Comr.

Grizzard wife
vs Decree
Harris & others

This day this cause came on to be heard on the Bill of the Complainants which has been taken for confessed as to the adult defendants the answer of the infant defendant, by James L. Prince, Guardian ad litem, general replication thereto and was argued by Counsel. On consideration whereof, the Court doth ^{order that} partition be made of the land in the Bill mentioned as follows, to wit: $\frac{1}{4}$ to F. O. Grizzard and Mary A. his wife, $\frac{1}{4}$ to Wm L. Harris in his own right, and $\frac{1}{4}$ to ~~John H. Richardson and Susanna V. his wife~~ the said Wm L. Harris as vendee of John H. Richardson and Susanna V. his wife, and $\frac{1}{4}$ to James L. Prince and Caroline, his wife; and, for the purpose of effecting such partition the Court doth order that Geo. A. Richardson, J. D. Smith and John Williams be appointed Commissioners for that purpose, that they assign and allot to the several persons the respective

Shares aforesaid by metes and bounds
 on the entire subject matter may be allotted to any party who
 will accept it and for therefore to the other parties such division
 of the real estate cannot be
 made in kind without loss or injury
 to the parties, There the said Commis-
 sioners will report that fact to the
 Court with the reasons upon which
 their opinion is based, together with
 the real value of the land; and the
 said Commissioners will make report
 to Court.

Giggard wife
 as Decree
 Harris & others

May Term 1882.

To be entered.

Geo. B. B. B.
 1.

Grizzard wife
vs 3 Decree,
Harris &c;

This day this cause came on to be further heard on the papers formerly read and the report of Commissioners appointed at the last term of this Court to make partition of the real estate in the proceedings mentioned, to which there is no exception and was argued by Counsel. On consideration whereof, it appearing to the Court that partition of the said land cannot be made in kind, the Court doth adjudge, order and decree that J.B. Prince who is hereby appointed a Special Commissioner for the purpose, after twenty days notice of the time & place, proceed to sell the said real estate upon the following terms, to wit: $\frac{1}{3}$ Cash, balance on a credit of twelve and eighteen months, the purchaser to give bonds with approved security carrying interest from the day of sale and the title retained until ^{the} further order of the Court. But the said Prince will not proceed to execute this decree until he shall have entered into a bond in the penalty of fifteen hundred dollars, with security to be approved by ~~approved~~ by the

Clerk of this Court Conditioned To execute this and any further decree in this cause, - Said Prince will report his proceedings to Court.

Grizzard and wife
vs Decree,
Harris &c.,

Nov. Term 1882,
To be entered.

Geo. B. Brown
J. C.

Grizzard and wife
vs 3 deceit
Harris & others

May Term
1883

To be entered.

Geo. B. Blount.

Recd June 15. 1883 of J. R. Tyler
Clerk v. two bonds of W. D. Harris &
Each for four hundred and fifty
~~or \$6 for dollars~~ dated Dec
16. 1882 - and due 12 & 18 mos from
date with interest from date.

J. B. Pringle
Cory

Gizzard & wife
vs 3 Dece.

Harris & others

This day this cause came on to be again heard on the papers formerly read and the report of Court J. B. Kline filed during the term, reporting sale of the land in the proceedings mentioned to W. D. Harris, to which report there is no exception and was agreed by Counsel. On consideration whereof, the Court doth decree that the said sale be and the same is hereby confirmed. The Court doth further order that out of the Cash in hand, the Court pay the costs of this suit and pay the balance to the parties entitled; that the said Court with draw from the papers in this cause the two bonds of W. D. Harris & others, collect the same as they become due & pay the money to the parties entitled; and when the whole of the purchase money is paid, that he execute to said W. D. Harris a deed with special warranty for same - and report to Court.

Grozzard wife
vs 3 Decere
Harris Jr

1884 May Term

To be entered.

Geo. B. B. B.


✓

Grizzard vs
vs $\frac{3}{4}$ Deere.

Harris J^c

This day this cause came on to be further heard on the papers formerly read, the report of Commr. J. B. Pruett, filed Oct 13. 1883, showing collection and disbursement of the whole fund in this suit - supported by proper vouchers, and was argued by Counsel. On consideration whereof, the Court doth a judge order and decree that the said report be and the same is hereby confirmed. And nothing further appearing necessary to be done in this suit, it is ordered to be removed from the docket.