

1886-17

Southampton County Chancery-

Prince, John E. et al vs Fox, Thomas J. et al

Partition of real estate

Prince, Nannie E.

Fox - Dollie

Plaintiffs { Thomas - Frank
" Eunice M.

McLemore, B. F.

G. A. L.

Prince & wife.

17. } Bill &c.

Fox & others.

Sevell, p. 9.

20
Hon: Geo. Blow, Judge Circuit Court for
Southampton County:

Humbly complaining shew unto your
Honor your complainants Mrs. E.
Prince and Nannie E. Prince, his
wife, that Caroline U. Briggs was in
her life-time seized and possessed
of certain Real Estate lying in the
County of Southampton, consisting of a
tract or parcel of land, containing
about 850 acres, more or less, and
adjoining the lands of W. M. Start,
Dollie A. Fox, Lavinia Francis, Thos.
R. Pond, G. N. Musgrave and others,
and being so thereof seized & possessed,
in or about the year 1883, the said
Caroline U. Briggs departed this
life, leaving a last will & testament,
whereby she devised one half of the
said Real Estate to Nannie E. Prince,
the wife of Mrs. E. Prince, and the other
half of said Real Estate to Dollie
A. Fox, the wife of Thos. J. Fox, for and
during her life, and at her death
to Frank Thos. Fox and Eunice M.
Fox, infants of tender years,
all which will appear from a copy of
said last will & testament herewith filed as exhibit & referred to as part
of this bill.

Your complainants further state

that the said Real Estate is, as they believe, susceptible of partition among the parties entitled thereto; but, if it be not, then your Complainants desire the same to be sold and the proceeds divided among the parties according to their respective rights. — In Consideration whereof, & inasmuch as your Complainants are without remedy save in a Court of Equity, where such matters are peculiarly cognizable, your Complainants pray that the said Thos. J. Fox and Dollie A. Fox, his wife, Frank Thos. Fox and Eunice M. Fox may be made parties defendant to this bill and required to answer the same; that a proper guardian ad litem be assigned the infant defendants to defend their interests in this suit; that the said Real Estate ~~be~~ divided between the parties aforementioned entitled thereto, and your Complainants' portion assigned to them; and in case the said Real Estate be indivisible, that the same be exposed to sale & the proceeds thereof be divided among the parties

entitled thereto; that proper process
issue, & that such other further relief
may be given as the nature of the case
may require or to Equity may seem meet:
And your complainants will ever pray, &c.

W. J. Sebrill, p. 9.

The joint several answer of Frank Thos. Fox
and Eunice M. Fox, infant defendants, by
B. F. M^r. Lemon, their Gdn. ad litem, to a
bill in Chancery exhibited against them
& others, by Drs. E. Prince & Hannah E. Prince
his wife, in the Circuit Court for Smith
ampton County. These respondents, saving
or reserving so. for answer to said bill, say
that they are infants & being such, know
nothing of the facts alleged in said
bill. They, therefore, submit their rights to
the protection of this Court & having an-
swered, pray here to be dismissed &c.

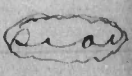
B. F. M^r. Lemon,
Gdn. ad litem,

Exhibit

I Caroline U. Briggs of Southampton
County of Virginia do make and
ordain the following as my last
will and testament, I desire that
my Estate should be divided equally
into two parts, one part I give to my
Mother Alice of Fox, and at her
death to my half brother Frank and
Thomas Fox, & my half sister Emma
M. Fox the other part I give to my
sister Annie C. Prince, In the
division of land, I desire that my
dearest in the law with as
much land adjoining to amount
to one half of the whole in value,
in a piece to be shown in which
my Mother will have an interest,
The other half likewise amounting
to one half in value of the whole I
desire assigned to my sister Annie
C. Prince.

I hereby constitute and appoint my
brother in law Geo. C. Prince Executor
of this my last will and testament,
Given under my hand and seal
this 1st day of March 1883.

Signed and acknowledged

C. U. Briggs 

in my presence, who are
the testators request and
own

in her presence and }
in presence of each other }
have herunto subscribed }
our names as witnesses }
Thos. R. Pond }
Benja^a T. Fox }

And a County Court held for the County
of Southampton at the Court house
thereof on the 18th day of June 1883,
The last Will and testament of Corolus
W. Briggs dec^d was ~~produced in Court~~
shown by the oath of Thos. R. Pond
& Benja^a T. Fox, the subscribing
witnesses thereto and ordered to be
recorded, and on the motion of
Jno. C. Brewer the Executor therein
named who made oath according
to law, and together with J. B. Brewer
his security, (who justified on oath
as to his sufficiency) entered into
and acknowledged a bond in the
penalty of one thousand dollars,
conditioned as the law directs, which
bond is ordered to be recorded, Certif-
icate is granted the said John C.
Brewer, for obtaining a probat of
the said will in due form,

Testo James L. Tyler Esq
Henry
Testo J. B. Prince Esq
()

Report of Comms
Division of
C. U. Bngg, Law

We the undersigned commissioners, pursuant to an
order of Southampton County Court at its June
Term, ¹⁸⁸³ proceeded this day to view the land belonging
to the estate of Caroline W Briggs, and with the
assistance of Henry B Kincaid surveyor, divided
the same as follows into two parcels
equal in value, and assigned one parcel to
Nannie E Prince and the other to the Half
brother and half sister of the said Caroline
W Briggs, Frank J. Fox & Eunice M. Fox.

We assigned to the latter share half of
the reversionary interest in the above land,
previously assigned to the widow of Ino E Briggs
decd, and took this into consideration in dividing
the other land, which contained by survey
seven hundred and fifty four acres.

We ran a dividing line between the two
pieces of land by adapting the public
road on the western extremity of the land
and continuing it eastward to the fork of
the public path as it diverges to the right
thence along said path to the Eastern
extremity of the land near the Homestead
road gate. North of this line containing
by survey four hundred and fifty six acres,
we assigned to Nannie E Prince wife of
Ino E Prince, South of said line, we assigned to Frank J. Fox
and Eunice M. Fox, containing two hundred and ninety
eight acres. Respectfully submitted this 11th Decr 1883.

Commrs

G. W. Musgrave
Geo. W. Turner
Thos. R. Dowd

Prince & wife

" } Sum

Fat. et. als:

1885. Aft. Rules

Ch. Ct

Executed April 15th 1885.
by delivering to each
of the within parties a
copy of this summons

G. W. Vicks

Sheriff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

*Thos. J. Fox & Dollie A. Fox, his wife -
Frank Thos. Fox and Eunice M. Fox, - the last two
minors, by B. F. McLevin, Gdn ad. litem -*

to appear at the Clerk's 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 *John E. Prince and Nannie E.*

Prince, his wife -

And this *they* shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this

30th

day of

March

, 188*5*

in the

109th

year of the Commonwealth.

Teste

J. B. Prince C. C.

Prince, wife }
vs. } Decree.
Fox & others.

This day this cause came on to be heard upon the Complainants' bill, & exhibits therewith filed, taken for confessed as to the adult defendants, the answer of the infant defendants by B. F. McLeone, their Gdn. ad litem, and was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that G. N. Musgrave, Geo. W. Turner ~~and~~ Thos. R. Pond, James E. Drewry and Wm. E. Leigh, who are hereby appointed Commissioners for the purpose, any three of whom may act, having first been duly sworn, do proceed to lay off & divide the Real Estate of which C. U. Briggs died, seized & possessed, consisting of a tract or parcel of land lying in Southampton County, containing about 850 acres, more or less, adjoining the lands of W. M. Hart, Lizzie A. Fox, Lavinia Francis, Thos. R. Pond, G. N. Musgrave & others, into two equal parts, having regard to quality & quantity, and assign one of said parts to Nannie E. Prince, the wife of Jno. E. Prince, and the other of said parts to Lizzie A. Fox, for & during her life,

and at her death to Frank Thos. Fox
and Eunice M. Fox. But if the said
Commissioners should find it im-
practicable to divide the said lands
between the aforesaid parties, or
should be of opinion that the interests
of said parties would be promoted
by ~~by~~ a sale of the same, in such
case, they will report the facts upon
which their opinion is based to the
Court, & also what in their opinion is
the fee-simple value of the whole of
said Real Estate. And the said
Commissioners will make Report to
this Court.

111.
Prinice & wife
vs. B. A. Fox
Fox & others

May term 1885.

To be returned.

Yes / Res.

Induct

W. J. Subee, n.g.

Price wife

n. { Report

Fox &c

1886. apr 28" filed

Price & wife $\begin{matrix} \curvearrowright \\ \curvearrowright \\ \curvearrowright \end{matrix}$ Report of Commissioners
or
Fox & others -

To Hon. Geo. Blow, Judge &c.,
We, the undersigned Com-
missioners, appointed by a former
decree herein entered to make par-
tition of the Real Estate of which
C. M. Briggs died seized & possessed,
beg leave to submit, that, having
been first duly sworn, we divided
the same into two parcels equal in
value, and assigned one parcel
to Nannie E. Prime the wife of Dr.
E. Prime, and the other parcel to
Lottie A. Fox for & during her life,
and at her death to Frank Thos. Fox
and Eunice M. Fox - We assigned
to the latter, half of the reversionary
interest in the Down land, pre-
viously assigned to the widow of
Dr. E. Briggs dec'd., and took this
into consideration in dividing the
other land, which contain by
survey 754 acres - We ran a di-
viding line between the two parcels
of land by adopting the public
road on the western extremity of
the land and continuing it East-
ward to the fork of the public

path as it diverges to the right,
thence along said path to the
Eastern extremity of the land
near Homestead Road Gate.

The parcel North of this line,
containing 156 acres, we assigned
to Nannie E. Prinn, the wife of
Dr. E. Prinn; and the parcel
South of this, containing 298 acres,
we assigned to Dollie A. Fox, for
and during her life, and at her
death to Frank Thos. Fox and
Eunice M. Fox. — We beg to say
that having regard to quality and
quantity, we consider this division
equal and just. All which
is respectfully submitted.

Geo. W. Turner
Thos. R. Bond
G. N. Musgrave

Commissioners

Price wife
or. ~~3~~ Decree.
Fox & others

May Term 1886,

To be entered
Geo. Blow.

✓

W. J. Sebrun, Jr.

Price wife }
 } Decree.
 }
vi. }
Fox & others. }

This cause came on this day to be heard upon the papers formerly read, and the report of George W. Turner, Thos. R. Pond and G. N. Musgrave, Commissioners appointed by decree herein entered, of the partition of the land in the proceedings mentioned among the parties entitled thereto, according to the terms of said decree, & was argued by counsel. On consideration whereof, it appearing to the Court that in the partition made by the said Commissioners, the parcel of land lying on the North side of the line marked out by the public road on the Western extremity of the tract of land in the proceedings mentioned and continuing Eastward to the fork of the public path as it diverges to the right, thence along said path to the Eastern extremity of said tract of land, near Homestead Road gate, containing 456 acres, fell to the share of Nannie E. Price, the wife of Dr. E. Price; and the parcel of land lying on the South side of the line marked out as aforesaid, containing 298 acres,

together with half of the reversionary interest
in the Dover land previously assigned
to the widow of Mrs. E. Briggs, dec'd., & see
to the share of Soelle A. Fox for and
during her life, and at her death to
Frank Thos. Fox and Eunice M. Fox,
it is adjudged, ordered and de-
creed that the said Report of the said
Commissioners be confirmed, & that the
partition in manner & form aforesaid
made, be held firm and stable. And
the Court doth further adjudge, order & decree
that the costs of this suit be pro-
portionally ~~the~~ borne by the parties
thereto, And it appearing to the
Court that nothing further remains
to be done in this cause it is or-
dered that the same be removed
from the docket.

Smith

Bill

3
3

Exhibit

Gains heirs

