

1901-02

Southampton County Chancery

Biggs, Lucy M. vs. Smith, Nancy F. et al
Gdn

"Gdn, he permitted to
spend \$200 of Wards money
in purchase of land
interest of Nancy F. Smith.

Biggs, Asa, ex't.

Biggs, Asa

Biggs Gov
on 3 Biers
Smith &

Primer Scherer & Co

To the Hon. Justice, Judge of the Circuit Court of
Southampton Co. In Chancery.

Complaining sheweth unto your Honor your
Complainant Lucy M. Biggs, Son of Asa
Biggs, an infant under 21 Years of age as
follows. That her said word is seized in fee
of a tract of land in Southampton County,
and has some money in her hand as his
Son. That he also owns the reversion in
a piece of land now occupied by Mrs Nancy F.
Smith as her dower. That your complainant
can buy the said dower interest for her
word for the sum of \$200. and she thinks
it greatly to his interest that she be allowed
to make this purchase for her word for this
reason. The land is being poorly cultivated from
year to year and is depreciating very much
in value. whereas if your complainant
comes he allowed to buy the same for her
word, she comes look after it and make
it of great benefit to him. and because as
an investment it will pay more than six
percent on the amount invested. That complain-
ant sometimes the sole heir and distributee of said
word. ^{that said word is under 14 years of age.} if he were dead. That the rights of no person will
be violated by the purchase of said dower interest.
To the end therefore that justice may be done
and inasmuch as your complainant is
without remedy in the premises except in

a Court of Equity, where matters of this kind are properly cognizable. She prays that Nancy F. Smith and Ora Bipp, may be made parties defendant to this bill and compelled to answer the same on oath. That a proper guardian ad litem may be assigned to the infant defd, who shall also answer this bill under oath. That your complainant may be permitted to expend the sum of \$200 of her world's money in the purchase of the same interest of Mrs Nancy F. Smith. That all proper orders may be decreed and that your Honor will grant such other, further, general & special relief as to Equity may seem meet on the nature of this case may require. And as in duty bound to May it please the Court &c.

Prayer &c. &c.

Thos M. Begg
Guardian of Ora
Bipp.

Sworn to before G. W. Lawrence, a Justice of
the Peace June 22, 1891.

G. W. Lawrence J. P.

The Answer of J. L. McLennan Esq as taken to Ora
Bijps & minor under 14 years of age to a
bill of complaint exhibited in the Circuit
Court of Southampton against Ora Bijps &
Nancy F. Smith by Lucy M. Bijps Esq of said
Ora Bijps..

This respondent for answer to said bill says
that he does not know enough about the
matter props for in said bill to form a
definite conclusion as to the propriety of
granting the same, and he insists upon the
proper proofs being adduced before the
same is allowed. And having answered
he props hence to be dismissed

Jas. L. McLennan
Esq as taken.

Sworn to before me W. Lawrence a Justice of
the Peace June 22. 1891

W. Lawrence J. P.

Stalment

Cost

\$2790

2 8.87
 16.50
 12.37

Cost

Biggs & Edwards & Smith & Co
 Sum 25¢ Copy 26¢ Receipt 18¢
 att 10¢ rule 50¢ net 35¢ bill 15¢
 rule 50¢ decess 216 filing reports
 30¢ boxing Cost + copy 410¢ filing
 paper ~ 25¢

Cleric
 Shiff
 Quorc
 Comm

540
 1.00
 16.50
 5.00

~~27.90~~
 97
 28.87

I have added
 to above. Cost of
 final decess
 and report of
 Mrs Biggs to be
 filed.

Biggs' Gin 167

4 Stat: Rules

Smith & Co

2 apr

Lucy M. Biggs, Guardian
of Asa Biggs -

Plff.

against

Nancy F. Smith and

Asa Biggs - the last named

an infant. by J. L. McLemore

Gdn ad litem.

Defts

In Chancery

1891. Apr 13th Process up to 2 April Rules.

" 2nd " Rules - Process Executed. Bill + Ex: filed

J. L. McLemore appt Gdn ad litem -

answer of Gdn ad litem filed.

Genl Refr: decree nisi.

" 1 May " Bill taken for confessed as to
adults. and cause set for
hearing.

Begg's Son
on 3

Smith's wife

Report

1893. Jan. 31. filed

Biggs Esq
vs 3 Report.
Amick &

In this cause I submit the following report. That pursuant to decree entered in this cause, I have bought the decree interest in the land in the proceedings mentioned, paid the purchase money therefor, took a deed for the same and had it recorded in the Clerk's Office of Southampton. There is nothing further to be done in this cause, and I recommend that this suit be dismissed from the docket.

July 30. 1893

To Judge Cir Ct.
Southampton Co

Respectfully Submitted.

Wm M Biggs
Clerk

Biggs. Wm.
vs. } Statement of costs,
Smith et als.

Biggs. Guardian
vs { Statement of Costs

1891	Smith et al.			
Apr.	13	Sum. 25, 2 exp. 26, receipt 18, atty. 10. Docket 18=	97	
		Receiv 1.00 entering return 35. Fil. Bill 15=	150	
		2 Decrees & Copies 144. Fil. 2 reports etc =	194	
		paid. B. F. McLemore	B. F. M. 441	
1895. Mich.		3 continuances 75.	J. M. H. 75	
1900 Apr. 6		10 continuances 2.50, Tax costs & copy 40=	2.90	
		Fil. away papers 25. Future costs if remanded ^{approx. time} } 86=	61	
			to Lark \$8.67	
		paid J. M. Williams Shff	Shff. 1.00	
			Law re. 16.50	
			26.17	
		Fee of Summ. B. F. McLemore. paid. B. F. McLemore 50c.	50c.	
			16.50	
			14.67	
		Teste: L. A. Gay 6.6.		

5/5/1900 Paid by P & Sebruce. L. A. Gay 6.6.

B. F. M. 441

J. M. H. 75

L. A. G. 3.51

\$8.67

7.33
77
8.10

Saukhampton Circuit Court June 22/91

Biggs Edm

vs 3 Decece

Smith et

This day this cause came on to be heard on the bill of the Complainant. The answer of the Edm ad litem. properly sworn to, with general replication thereto and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that a Commissioner of this Court enquire and report.

1st Whether it is to the interest of the infant Asa Biggs to allow the investment of the sum ~~of~~ as prayed for in the bill or not.

2nd Whether the interest of any other party would be violated or not. The Commissioner will also report the evidence upon which he bases his conclusion, together with any other matter specially stated deemed pertinent by himself or required to be stated by any interested party.

Attest Teste B. F. McLenore D.C.

Biggs & Son

2 }

WITNESS'

SUBPENA.

Smith

1891 Sept. 30.

Executed Sept. 25th
1891 by delivering a
copy of this & spec. to
each of the within
named parties

J. H. Williams
Chff.

The Commonwealth of Virginia,

To the Sheriff of the County of Southampton, Greeting:

You are hereby commanded to summon

L. A. Gay, J. M. Beale and
J. L. Gillette

personally to appear before the undersigned, one of the commissioners in chancery of the Circuit
Court of the County of Southampton, at his office, at the court-house of said county, on
the 30th day of September 1891 next, to testify and the truth to say in behalf of
Ada Biggs, an infant.

in a certain matter of Repuk

referred to the said commissioner for Biggs & Smith, by a decree of the said court in a suit in
chancery therein pending between

And this they shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, B. F. M. Leonard, Commissioner of the said court, at
the court-house of said county, the 22nd day of September 1891, and in the
116th year of the Commonwealth.

B. F. M. Leonard *clg.*

Biggs & Co
Noticed
Smith

1891. Sept. 30.

Specie Dept. 25th

1891 by delivering a
copy of this notice to
Nancy F. Smith

J. W. Williams
Chff.

COMMISSIONER'S OFFICE,

COURTLAND, VA., Sept 7 1891

To Nancy J. Smicks, and Asa Biggs, a minor
by his *Guardian ad litem*.

You are hereby notified that I have fixed upon the 20th day of
September next, if fair, if not, the next fair day thereafter (Sunday
excepted), to take and settle, at my office, the following accounts, to wit:

- 1st Whether it is to the interest of the infant
Asa Biggs to allow the investment of the sum as
prayed for in the bill. or not.
 - 2^d Whether the interest of any other party
would be violated. or not.
- Together with the evidence upon which he
bases his opinion. &c.

required to be taken by a decree of Southampton Circuit Court, rendered at the May
term, 1891, in a suit in Chancery depending in said Court, in which you are parties, plain-
tiffs 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.

B. A. McLenore Commissioner.

To the Sheriff of Southampton county to execute.

The Depositions of J. M. Beale and others - taken by B. F. McLeod, Com'r in Chancery of the Circuit Court of Southampton Co. to be used by said Com'r in making a report to said Court under a decree entered at the May Term 1891, in the Cause of Biggs v. Edin & Smith. Sept 30th 1891.

The witness J. M. Beale being duly sworn deposes and says:

Q. What is your age, where do you reside and do you know the parties to this suit?

A. Am 56. Live near Franklin Va. & know all the parties to this suit.

Q. Do you think it would be to the interest of Asa Biggs to have the \$200 - as mentioned in the bill invested in purchasing Mrs. Nancy Smith's dower interest in the property herein referred to and known as the Moody Smith farm?

A. Yes sir. I do.

Q. Do you think the interest of any other person would be violated by the purchase.

A. It will not.

And further this deponent sayeth not.
J. McBeal

The witness L. A. Gay being duly sworn
deposes and says.

Q. What is your age, where do you reside
and do you know the parties to this suit?

A. am 51. Live near Franklin & know the parties
to this suit.

Q. You have read the deposition of Mr. J.
McBeal. do you or not corroborate the same.

A. I do.

And further the deponent sayeth not
L. A. Gay

The Witness J. L. Gillette, being duly sworn,
says:

I am a farmer by occupation - 40 years
of age, knew the parties to the deed and
corroborate the statements of J. M. Beale
and L. A. Gay.

And more this deponent says to wh.

J. L. Gillette

Biggs' Guardian
in ^{the} ~~the~~ Report

Smith

1891. Oct. 15 filed

Commissioner's Office
Courtland, Va.

September 30, 1891.

To the Circuit Court of Southampton Co.

Pursuant to a decree of the Circuit Court of Southampton County, entered at the May Term 1891, in the Chancery Cause of "Biggs' Exr vs Smith" - the undersigned, one of the Commissioners of said Court, to whom the said decree stands referred, reports to Court, that on the 7th day of Sept. 1891 he issued Notices against the parties to the suit requiring them to appear before him, at his Office, on the 30th day of Sept. 1891, at which time and place he would proceed to make the inquiries required by said decree. The Commissioner also issued Subpoenas for L.A. Gay, J.M. Beale and J.L. Gillette, requiring them to appear before him, as witnesses in this case. Said Notices and Subpoenas have been returned executed, and are filed herewith.

From the depositions of the witnesses mentioned above, who are gentlemen of good judgment, living on adjoining farms, and entirely disinterested, the Commissioner is of opinion that it is or would be, to the interest of the infant

Asa Biggs. to have the sum of two hundred dollars, invested in the land, as prayed for in the bill. and that the rights of no party would be violated by such investment.

The Commissioner is informed, by good authority, that the land mentioned in the bill, rents for fifty dollars per year. and the interest on \$200.⁰⁰ at 6% - being only twelve dollars per year, makes the investment a good one.

Respectfully Submitted.

B. F. McLeam

Comm. in Chancery

Com. fee \$5.⁰⁰
charged to Puff

Biggs & Son

vs } Sum

Smith et al

1891 2 April Rules

Lin b h

Princo Sebrill by

~~By the Clerk of the Court~~
17th / 891 by delivering
a copy of this 'Sum' to
each of the within
named parties

J. W. Willard
Clerk

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

*Nancy F. Smith and
Asa Biggs, the last named an infant, by
J. L. M. Lemmon, Guardian*

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 *3^d* Monday in *April 1891* next, to answer a Bill in Chancery
exhibited against *them* in our said Court by

*Lucy M. Biggs, Guardian
of Asa Biggs.*

And this *they* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *13* day of
April, 189/, in the 11th year of the Commonwealth.

Inte: B. F. M. Lemmon

C. C.

Biggs: Son
is 3 dear
Smith &

1891. Arr Tenn)
To be entered.
C. W. D.

Centred

the cost of this bill. and make report to
Court.

Biggs Son

vs 3 Decree.

Smith v.

This day this Cause came on to be again heard on the papers formerly read, and the report of Commr. B. F. McLeune filed Oct 15. 1891, to which there is no exception and was argued by Counsel. On consideration whereof, the Court doth confirm the said report. and it appearing from the said report that it will be to the interest of the ward Asa M. Biggs to allow his guardian to invest the sum of \$200 of his money in the purchase of the down interest of Mrs Nancy F. Smith, the Court doth decree that Lucy M. Biggs, Guardian of Asa M. Biggs out of any funds in her hands belonging to her said ward pay to Nancy F. Smith the sum of \$200. for her down interest in the tract of land known as the Moody Smith farm, that she take a deed from Nancy F. Smith to her ward Asa M. Biggs for said down interest, and have the same recorded in the Clerk's office of the County Court of Southampton. But before she shall pay out the said sum of money, she will ascertain whether the said down interest is free from all incumbrance. And said Lucy M. Biggs for as aforesaid will also pay out of any funds in her hands belonging to her said ward

Biggs & Son
in 3 deuces
Smith & Co.

1891 June 22

To be released
C. H. C.

Biggs v. Edwards
3 Dec 1891
Smith v. ...

This day this cause came on to be heard
under title of the complaint, the answer
of the son as item, properly sworn to, with
general replication thereto, and was ad-
judged by the Court.

On consideration whereof the Court doth
adjudge order and decree that a Com-
missioner of this Court enquire and
report,

1st whether it is to the interest of the infant
Cora Biggs to allow the investment of the
sum or profits from the title a not.
Ans 2nd whether the interests of any other
party comes be violated a not.

The Commissioner will also report the
evidence upon which he bases his
conclusion, together with any other
matters specially stated deemed per-
tinent by himself or required to be
stated by any interested party.

Biggs, Lou.
vs. ³ Deere.
Smith et al.

Apr 7, 1901.

Enter this—
W. H. H. H. H.

Entered
(4) 353

Biggs, Edw. }
vs. } Decree.

Smith et al.

This day this cause came on to be further heard upon the papers formally read, and upon the report of Lucy M. Biggs, Comr., filed Jan'y. 30th 1893, to which report there is no exception, and was argued by Counsel. On consideration whereof, the Court doth approve and confirm the said report, and it appearing that nothing further remains to be done in this cause, it is ordered that the same be removed from the docket.