1900-007
Nansemond Co (Suffolk) Chancery Causes: Richard E. Parker, infant et al by vs James W. Griggs et al

Powell, Smith

OVERSIZE
Box 3
- Plats (2)

Will: 1881, Assension Griggs, Nansemond Co.

Nansemond County Circuit Court

Map out of
Hedges Case
See File 1900

VS.

Papers in above Styled Suit
in the Hands of

Wilkie L. Dunn
Attorney

3/21 1931

36
15
20
20
25
116

Richd E Parker vs Others

vs

James W Griggs

Costs

W. B.	~~T A~~ Causey	Clerk	$4.48
	Atsumer	"	4.93
	W N Harrell	Shff	1,00
	Attorney		15.00
	Jay		1,50
	W. G. Williams	Comr.	1.00
	N. N. Williams	"	1.00
	Eli B. Johnson	"	1.00
	M. G. Williams	"	1,00
	J. L. Fulgham	"	1,00

Richd E Parker &c &c
vs
James W Griggs
Costs

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON James W. Griggs and Jane C. Powell, nee' Griggs widow of Charles Powell deceased

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 September next, to answer a ~~~~~ Bill in Chancery, exhibited against them ~~~~~ in the said Court by Richard E., William E., Martha C., Sarah E., Thomas and Edna V. Parker, all infants, who sue by James W. Parker, their father and next friend.

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 20th day of August 1888, in the 113 th year of the Commonwealth.

Teste:

Peter B. Prentis Clerk.

Causey L.J.

Richard E. Parker & als:
injunct, &c. &c.

vs

Jno. Jennings &c. &c.

James W. Griggs & al.

To Sept. Rules (1st Monday)
1888.

Rec'd N.H.I. Page
Cir. Ct.

I Hereby certify that this is a true copy of this writing now in my office.
Given under my hand this 24th day August 1888.
W. M. Bynum, Jr.
Clerk Circuit Court
Chas. Powell, deceased
James W. Griggs
vs

Know All Men by These Presents, That we, Wilbur J Kilby and L Clay Kilby

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Fourteen hundred DOLLARS, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

And we waive the benefit of our exemption as to this obligation, and also waive any claim or right to discharge any liability to the said Commonwealth arising under this bond, or by virtue of the office, post or trust herein mentioned, with coupons detached from bonds of said Commonwealth.

Sealed with our seals, and dated this 20th day of October in the year of our Lord one thousand eight hundred and Ninety one, and in the 116th year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a decree of the Circuit Court of Nansemond County Virginia pronounced on the 14th day of October 1891 in the Chancery Cause depending in said Court between Richard E Parker and others who sue etc Complainants and James W Griggs and others Defendants it was decreed that the real estate mentioned in the Bill in said Cause (being that of which Ascension Griggs died seized and possessed) be sold and the above-bound Wilbur J Kilby was appointed Special Commissioner to sell the same as specified in said decree; Now therefore if the said Wilbur J Kilby shall faithfully discharge his duties under said decree and all other decrees he may be required to execute in said Cause, then the above obligation is to be void; otherwise it is to remain in full force and Virtue.

Wilbur J Kilby SEAL

L Clay Kilby SEAL

SEAL

SEAL

SEAL

In the office of the Clerk of the Circuit Court of Nansemond County, on the 20th day of October 1891

The above bond was executed and acknowledged by the obligors (the surety justifying on oath as to his sufficiency) and recorded.

Teste: A D Gomey CLERK.

A Copy Teste: A D Gomey Clerk

A Copy.
W J Kilby
To } Spec. Comr. Bond
The Commonwealth

1891.
October 20th.

Recorded in ~~Official~~
Bond Book No 1 Page 29

Circuit Court

Parker. per friend
vs. } In Chy.
Griggs & als.

Copy of Bond of Wilbur J. Kilby as Special Comr. under decree of 14 Oct. 1891

LAND AT AUCTION!

By authority of a decree of the Circuit Court of Nansemond county, Va., pronounced on the 14th day of October, 1891, in the chancery cause pending in said court between Richard E. Parker and others, plaintiffs, and James W. Griggs and others, defendants, I shall offer for sale by public auction to the highest bidder, before the Courthouse door of said county, on County Court day,

MONDAY, NOVEMBER 9, 1891,

the following real estate of which Ascension Griggs died seised and possessed, to wit:

1. All that certain tract or parcel of land situated in Chuckatuck Magisterial district, in said county, containing 91 1-4 acres, more or less, by survey, and bounded on the north by Reed's Ferry road, on the east by the lands of William Phillips' estate and John Samuel Copeland, on the south by the lands of George Luke and Martha Pruden, and on the west by the land of Carr D. Butler.

Sold G. Blount $570

2. All that certain tract or parcel of land, situated in said district and county, containing 42 9-10 acres, more or less, by survey, and bounded by the lands of James W. Griggs, James W. Parker, Frank C. Wright, G. A. Redd, and Robert Archer's estate.

Sold to ~~W. L. Williams~~ Jas. W. Smith

TERMS OF SALE.—Enough of the purchase-money to cover the costs of said cause and the expenses of the sale will be required in cash and the remainder in equal sums at the end of one and two years respectively, with interest from the day of sale; the purchaser to execute bonds in evidence of the deferred payments with good personal security, and the title to the land to be retained until the further order of Court.

$435.

WILBUR J. KILBY, Special Commissioner.

GEORGE T. PARKER, CRIER. OCTOBER 20, 1891.

I, AZRA P. GOMER, Clerk of the Circuit Court of Nansemond county, Va., do certify that the bond required of Wilbur J. Kilby as Special Commissioner under the decree of said Court on the 14th day of October, 1891, in the chaucery cause pending in said court between Richard E. Parker and others, plaintiffs, and James W. Griggs and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 20th day of October, 1891.

A. P. GOMER, CLERK.

Jas. W. Smith

I. Azra P. Gomer, Clerk of the Circuit Court of Nansemond County Va., do certify that the bond required of Weber J Kilby as Special Commissioner under the decree of said Court on the 14th day of October, 1891 in the Chancery cause pending in said Court between Richard E Parker and others, plaintiffs, and James W Griggs and others, defendants, has been executed with security deemed sufficient by me.
Given under my hand this 20th day of October, 1891.

A P Gomer Clerk

To the Circuit Court of Nansemond County, Va.

In pursuance of the decree of the Circuit Court of Nansemond County, Va. pronounced on the 14th. day of October 1891 in the Chancery Cause pending in said Court between Richard E. Parker and others, per friend, Plaintiffs, and James W. Griggs and others, Defendants; the undersigned, Wilbur J. Kilby, Special Commissioner, appointed for the purposes specified in said decree, respectfully reports to Court as follows:

That he has sold the real estate of which Ascension Griggs died seised and possessed, as directed by said decree. The sale was made on the terms and conditions mentioned in said decree, by public auction before the Courthouse door of said County, on County Court day, Monday, the 9th. day of November 1891, and Legh R. Watts became the purchaser of one parcel thereof, to wit, of 9 1/4 acres, more or less, as the highest bidder for the sum of five hundred and seventy (570) dollars, while James W. Smith became the purchaser of the other parcel, to wit, 42 1/2 acres, more or less, as the highest

bidder for the sum of four hundred and thirty-five (435) dollars. Instead of complying with the terms of the sale and paying in cash so much of said sums of money as might be necessary ~~in cash~~ to cover the costs of said cause and the expenses of said sale and executing bonds for the remainder in equal sums with good personal security, payable at the end of one and two years respectively with interest from the day of the sale, the said purchasers prefer to pay said sums of money in full in cash and ask that they may be permitted to do so upon the execution of proper deeds conveying to them the lands purchased by them. Your Commissioner has therefore received no part of said money and awaits the direction of the Court in the premises. The title to said lands has been retained until the further order of Court.

The parcel of land sold as aforesaid to Leigh R. Watts is situated in Chuckatuck Magisterial District in said County and is bounded on the North by Reed's Ferry road, on the east by the lands of William Phillips' estate and

John Samuel Copeland, on the South by the lands of George T. Duke and Martha Pruden and on the west by the land of Carr D. Butler.

The parcel of land purchased by James W. Smith as aforesaid is situated in said District and County and is bounded by the lands of James W. Griggs, Jas. W. Parker, Frank C. Wright, G. A. Redd and Robert Archer's estate.

Before proceeding to make said sale Your Commissioner advertised the time place and terms of the sale by printed notices posted during a period of fifteen days in the neighborhood of said lands, and at said Courthouse door, and several public places in said County, and by publication of the notice once a week for two successive weeks in "The Suffolk Herald", a newspaper published in the Town of Suffolk in said County, and executed before the Clerk of said Court the bond required of him by said decree and obtained of said Clerk a certificate of the due execution thereof and appended a copy of such certificate to the advertisement of the sale. The said certificate and a

copy of the said advertisement are herewith returned. A copy of the bond executed by your Commissioner as aforesaid is filed with the papers in said Cause.

Respectfully submitted this 19th. day of November 1891.

Wilbur J. Kilby.
Special Commissioner.

Parker Iler friend
vs. } In Chy.
Griggs et als.

Report of Sale of land under decree of 14 Oct. 1891

Confirmed 12 April 1892

1892 April 15th. Filed
[illegible] Gormley Clerk

E Parker &others vs Jos W Griggs &others W J Kelly Jr q

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

~~Tax~~ ~~and~~ Clerk Fees in suit to March 16th 1900 inclusive

Final Decree &c $1 15

Paid by W J Kelly Spec Comr. A P Gomer Clerk

By ..... Clerk.

All Available Text Successfully Captured

J. Kelly Coup, (Parker Dr. Gr-495)

To S. T. ELLIS, Treasurer of Nansemond County, Va.

No. 186	State Tax 30c. on $100	State School Tax, 10c. on $100.	County Levy, 20c. on $100.	Parish Levy, 8c. on $100.	County School Tax, 5c. on $100.	District School Tax, 5c. on $100.	County Road Tax, 10c. on $100.	TOTAL TAX.
tate, value $								
l Property, value $ 100,	30	10	20	8	5	5	10	88
ndise, value $								
xes		1 00					50	88
al								
additional								
al								

yment 28 day of Oct 1898

Sydney T. Ellis Treasurer.

Per

All Available Text Successfully Captured

1898 May 10. Received of Wilbur J. Kilby. Special Comr. fifty-nine dollars in full of my share of the proceeds of the sale of the lands of Ascension Inggs - sold under decree of Court in the chancery suit of Parker & al. vs. Inggs & al in the Circuit Court of Jasper County: and I hereby declare that I was twenty-one years of age on the 5th. day of May 1898.

his
Thomas + Parker
mark

Witness:
A. H. Hargrave
J. M. Ballard
J. T. Jayner

1900 March 26th. Received of Wilbur J. Kilby, Special Comr. the sum of sixty-one and 45/100 in full of my share of the proceeds of the sale of the lands of Ascension Griggs, sold under decree of court in the Chancery suit of Richard E. Parker & als. vs. Jas. W. Griggs & als. in the Circuit Court of Brunswick County. And I hereby declare that I am now over the age of twenty-one years.

Witness:
Mrs. W. W. Darden

Sarah A. Hedgbeth,
formerly Sarah A. Parker,
(sometimes called Sarah
E. Parker).

Virginia:
Circuit Court for the County of Nansemond, to wit:

Parker, per friend
Against } In Chancery
Griggs and others.

To Honorable Robert R. Prentis, Judge of the Circuit Court for the County of Nansemond:

In pursuance of the decree of the Circuit Court for the County of Nansemond in the State of Virginia, pronounced on the 12th. day of April 1892 in the cause in Chancery, in said court depending, between Richard E. Parker, William E. Parker and others, suing by James W. Parker, their next friend, Complainants, and Irene C. Powell and James W. Griggs, Defendants, the undersigned, Wilbur J. Kilby, Special Commissioner, appointed for the purposes named in said decree, respectfully further reports to court as follows:

That on the 8th. day of September 1894, Your Commissioner filed in said cause his report of collections

and disbursements, which re-
port was confirmed on the 10th.
day of October 1894;
That it appears from said
Report that the sum of $56.15
was retained by Your Com-
missioner for Sarah E. Parker
and a like sum of money for
Thomas Parker, both infants un-
der the age of twenty-one years;
That Your Commissioner was di-
rected to pay said sums of money
to the guardian of said Sarah
E. Parker and Thomas Parker when
such guardian should be appoint-
ed;
That no guardian has ever
been appointed for said minors;
That Your Commissioner has con-
tinued to hold said sums of
money (the same having been de-
posited in the The Farmers Bank
of Nansemond in Suffolk, Virginia)
until said minors reached the
age of twenty-one years.
That when said minors be-
came twenty-one years of age,
Your Commissioner paid to them
the respective sums of money due
them as aforesaid, as the vouchers
hereto attached and the following

statement will fully show, to wit;

Statement

	By Cash in hand for Thomas Parker as above stated.				56	15
	" Interest from Bank on $56.15				3	29
	To paid Sydney P. Ellis, Treas. State and County taxes per sect.		44			
1898 May 10	" " Thomas Parker (sometimes called John Thomas Parker), now over the age of 21 years, per sect.	59				
		59	44	59	44	
	By cash in hand for Sarah E. Parker as above stated.				56	15
	" Interest from Bank on $56.15				6	89
	To paid Sydney P. Ellis, Treas. State and County taxes, per sect.		44			
	" " A. P. Govier, clerk "		115			
1900 Mar. 26	" " Sarah A. Hedgbeth, formerly Sarah A. Parker (sometimes called Sarah E. Parker), now over the age of twenty-one years, per sect.	61	45			
		63	04	63	04	

Respectfully submitted this 4th. day of April 1900.

Wilbur J. Kilby,
Special Commissioner.

Parker. per friend

vs. } In Chancery

Griggs & als

Further Report of collections and disbursements under decree of 12 April 1892

Filed and confirmed 17th. April 1900

Received of Wilbur J. Kilby. Special Comr. Six dollars for services as crier at the sale of the Ascension Griggs land on 9th. Nov. 1891; said land having been sold by said Comr. under decree of Court in the Chancery suit of Parker Exls. vs. Griggs Exls. pending in Nansemond County Circuit Court.

$6.00

G. G. Parker. Crier

Mr. Benjamin J. Parker Est. Dr.

1891. To H. E. SMITH, Treasurer of Nansemond County, Va.

No. 748 / No. of Acres 12 5	State Tax, 30 cents on the $100.	State School Tax, 10c. on the $100.	County Levy, 25c. on the $100.	Parish Levy, 5c. on the $100.	Co. School Tax, 5c. on the $100.	Dis. School Tax, 5c. on the $100.	Co. Road Tax, 10c. on the $100.	TOTAL AMOUNT OF TAXES.
To Real Estate, value $ 705	2 12	71	1 76	35	35	35	71	6 37
" Personal Prop'y, value $								
" Income, &c., value $								
" Poll Taxes 2								
Total								
Five per cent. additional								
Total								

Received Payment. of Wilbur J. Kilby Special Comm'r

H E Smith, Treasurer.

DEALER IN
ALL KINDS OF
FAMILY PROVISIONS.

SUFFOLK, VA., Nov. 5th 189 /

HAY, CORN, OATS.
BRAN, ETC.
AND MAKES GOOD
FLOUR A SPECIALTY.

Mr Benj. Parker Estate

BOUGHT OF C. J. DUKE,

GROCER.

TERMS

SOUTH SIDE OF KILBY STREET.

To Taxes 1888. 89 & 90 Dust

23 26
2 33
20.59

Received of Wilbur J. Kilby Special Comr. twenty-five and 59/100 dollars in full of the amount paid by me for the lands of which Ascension Griggs died seised and possessed, sold for delinquent taxes for the years 1888, 1889 and 1890 and purchased by me, and also in full of all interest, costs and charges due to, and incurred by, me, on account thereof.

The lands aforesaid consist of two parcels,- one parcel of 45 acres more or less, and the other parcel of 80 acres more or less,- the same being fully redeemed by the payment of the above sum of money to me.

Columbus J. Davis

$25.59

LAND AT AUCTION!—

By authority of a decree of the Circuit Court of Nansemond county, Va., pronounced on the 14th day of October, 1891, in the chancery cause pending in said court between Richard E. Parker and others, plaintiffs, and James W. Griggs and others, defendants, I shall offer for sale by public auction to the highest bidder, before the Courthouse door of said county, on County Court day,

MONDAY, NOVEMBER 9, 1891,

the follow real estate of which Ascension Griggs died seised and possessed, to wit:

1. All that certain tract or parcel of land situated in Chuckatuck Magisterial district, in said county, containing 91¼ acres, more or less, by survey, and bounded on the north by Reed's Ferry road, on the east by the lands of William Phillips' estate and John Samuel Copeland, on the south by the lands of George T. Luke and Martha Pruden, and on the west by the land of Carr D. Butler.

2. All that certain tract or parcel of land, situated in said district and county, containing 42 9-10 acres, more or less, by survey, and bounded by the lands of James W. Griggs, James W. Parker, Frank C. Wright, G. A. Redd, and Robert A. Archer's estate.

TERMS OF SALE.—Enough of the purchase-money to cover the costs of said cause and the expenses of the sale will be required in cash and the remainder in equal sums at the end of one and two years respectively, with interest from the day of sale; the purchaser to execute bonds in evidence of the deferred payments with good personal security, and the title to the land to be retained until the further order of Court.

WILBUR J. KILBY,
Special Commissioner.

GEORGE T. PARKER, Crier.

I, Azra P. Gomer, Clerk of the Circuit Court of Nansemond county, Va., do certify that the bond required of Wilbur J. Kilby as Special Commissioner under the decree of said Court on the 14th day of October, 1891, in the chancery cause pending in said court between Richard E. Parker and others, plaintiffs, and James W. Griggs and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 20th day of October, 1891.

oc30-2t A. P. GOMER, Clerk.

Flying over or standing on the ban
as in Scripture days, are flamingoes,
preys, eagles, pelicans, herons, cuckc
and bullfinches. On all sides of t
river sepulchers. Villages of sepulchi
Cities of sepulchers. Nations of sep
chers. And one is tempted to call it

Suffolk, Va., 189

Mr Wilbur J Kelly Town

To SUFFOLK HERALD, Dr.

J. E. BOOKER, Proprietor.

First-Class JOB PRINTING a Specialty.

91

Oct 16 To Printing 100 Bills Notice &
Sale Ascension Engine 1 50
30 adv Sale of Same in Herald
6 in 2w 5 00

$ 6 50

Rec't Payment Dec 26 91
J E Booker

All Available Text Successfully Captured

1892 May 10th. Received of Wilbur J. Kilby. Special Comr. Eight and 50/100 dollars for surveying the two parcels of land of which Ascension Griggs died seised and possessed and making maps or plats thereof

$8.50

Beverly P. Baker co Surv.

Received of Wilbur J. Kilby Special Coun. one dollar for services as chopper and tracer of the lines for Beverly P. Baker, Surveyor, during his survey of the lands of Ascension Griggs

$1.00

Jas. W. Griggs

Received of Wilbur J. Kilby, Special Commissioner. one dollar for services rendered in connection with the survey by Beverly P. Baker, of the Ascension Griggs land.

Samuel Luke

Received of Wilbur J. Kilby, Special Commissioner. one dollar for services rendered in connection with the survey by Beverly P. Baker, of the Ascension Griggs land.

Herbert. Luke.

Received of Wilbur J. Kilby, Special Comr. one dollar for myself and one dollar for my son, John W. Johnson, for services as chain bearers for Beverly P. Baker, Surveyor, of the land of Ascension Griggs; and also received of said Comr. one dollar for services as Comr. in the Chancery suit of Parker &al. vs Griggs & al. in the Circuit Court of Nansemond County.

E. B. Johnson

Eli B. Johnson 1.00
John W. Johnson 1.00
Eli B. Johnson 1.00

Received of Wilbur J. Kilby, Special Comr. Four and 92/100 dollars in full of my fees taxed as part of the costs in the Chancery suit pend in the Circuit Court of Nansemond County between Richard E. Parker & als. per friend. Plaintiffs and Jas. W. Griggs & als. defendants.

$4.92

Paid W. T. Gomes, Clerk.

Received of Wilbur J. Kilby Special Comr. four and 48/100 dollars in full of fees due me and taxed as part of the costs in the Chancery suit pending in the Circuit Court of Nansemond County between Richard E. Parker & als. by friend. Plaintiffs against Jas. W. Griggs & al. defendants.

$4.48

Wm B Causey

Late Clk Nansemond County Circuit Court

1892 June 11th. Received of Wilbur J. Kilby. Special Comr. One dollar for services rendered as Commissioner in the Chancery suit of Parker & al. vs. Griggs & als. pending in the Circuit Court of Nansemond County

$1.00

Hugh. H. Williamson

Received of Wilbur J. Kilby. Special Comr. One dollar for services as Commissioner in the Chancery suit of Parker & al. vs. Griggs & als. pending in the Circuit Court of Jefferson County.

$1.00

W. G. Williams

Received of Wilbur J. Kilby. Special Comr. One dollar for services rendered by Washington G. Williams as Commissioner in the Chancery suit of Parker & als. vs. Griggs & als. pending in the Circuit Court of Jefferson County.

$1.00

W. G. Williams

Adms of W. G. Williams

1892 June 11th. Received of Wilbur J. Kilby Special Comr. fifty-six and 15/100 dollars in full of my share of the proceeds of the sales of the lands of which Ascension Griggs. died seised and possessed: and I hereby certify that I was 21 years of age on the 2nd. day of November 1890.

$56.15 Richard. E. Parker

1892 Octo. 25. Received of Wilbur J. Kilby, Special Comr. Fifty-six and 15/100 dollars in full of my share of the proceeds of the sales of the lands of which Ascensin Griggs died seised and possessed: And I hereby certify that I was 21 years of age on the 22 day of October 1892.

$56.15 William E. Parker

Witness:
Daniel Brothers Jr

1892 Sept. 14. Received of Wilbur J. Kilby Special Comr. Fifty-six and 15/100 dollars in full of Martha C. Parker's share of the proceeds of the sales of the lands of which Ascusion Griggs died seised and possessed.

$56.15

Stephen T. Rawls,
Guardian of Martha C. Parker

THE GLOBE LEGAL WRAPPER. SIZE NO. 1.
Patented Feb. 11, 1890.
DIRECTIONS,—Elevate the metal points—attach the manuscript—then bend the points down flat—dampen the gummed flap and stick it down—this fastens the papers and hides the metal.

Virginia:

At a County Court held for the County of Nansemond at the Court House in the Town of Suffolk on Monday the 12th day of September A.D. 1892

Martha C. Parker a minor over the age of fourteen years and daughter of James W. Parker in the presence of the Court doth nominate Stephen T. Rawls to be her Guardian who being approved by the Court is appointed accordingly. And thereupon the said Stephen T. Rawls as Guardian aforesaid entered into a bond in the penalty of One hundred and twenty five dollars conditioned according to law with Darius Frank Parker his surety (who justified on oath as to his sufficiency) which bond being acknowledged by the obligors is ordered to be recorded.

A Copy.

Teste;

R. R. Smith, Clerk.
By A. P. Gomey D.C.

To the Circuit Court of the County of Nansemond, Virginia:

In pursuance of the decree of the Circuit Court of the County of Nansemond in the State of Virginia, pronounced on the 12th day of April 1892 in the cause in Chancery in said Court depending between Richard E. Parker, William E. Parker and others suing by James W. Parker, their next friend, Complainants, and Irene C. Powell and James W. Griggs, defendants, the undersigned, Wilbur J. Kilby, Special Commissioner, appointed for the purposes specified in said decree, respectfully reports to Court as follows:

Your Commissioner, as directed by said decree, has collected of Legh R. Watts the sum of $570, together with the interest due thereon, the same being the purchase-money due by him for the land sold to him under proceedings in said cause, and has also collected of James W. Smith the sum of $435, due by him for land sold to him under said proceedings, and has made to said Legh R. Watts a deed with special warranty in the usual form conveying to him the land purchased by him as aforesaid and to said James W. Smith a like deed conveying to him

the land purchased by him as aforesaid.

And out of said sums of money, your Commissioner has paid the costs of the said cause and the expenses of the sale of said land, including a fee of fifty dollars allowed by said decree to the counsel for said Complainants.

And one-third of the remainder of said money has been paid to said Irene C. Powell and one-third to said James W. Griggs, while of the remaining one-third, one-fifth part has been paid to Richard E. Parker, one-fifth to William E. Parker and one-fifth to Stephen T. Rawls, guardian of Martha C. Parker, leaving the remaining two-fifths in the hands of said Commissioner for Sarah E. Parker and Thomas Parker, infants, without guardians.

All the above facts will more fully appear by the following Statement and the vouchers herewith returned.

Statement.

By cash of said Leigh R. Watts.			570	00
" Interest on $570.			16	21
" Cash of said James W. Smith			435	00
			1021	21

	brought on				1021	21
To 5 per cent commissions on $300.=		$15.00				
" 2 " " on $705.=		14.10	29	10		
" paid Geo. T. Parker, crier at the sale.		per sect.	6	00		
" " H. E. Smith, Treas. State and County taxes on said land for the year 1891.		per sect.	6	37		
" " State and County taxes on said land delinquent for the years 1888. 1889 and 1890		"	25	59		
" " J. E. Booker for printing notices of said sale and publishing the same in the "Suffolk Herald".		"	6	50		
" " Beverly P. Baker for surveying said land.		"	8	50		
" " Jas. W. Griggs for assistance rendered said Surveyor.		"	1	00		
" " Saml. Luke for same.		"	1	00		
" " Herbert Luke for same		"	1	00		
" " Eli B. Johnson for same		"	1	00		
" " John W. Johnson for same		"	1	00		
" " Wilbur J. Kilby, Atty. State tax and taxed fee.		"	16	50		
" " Same, his fee allowed by said decree.		"	50	00		
" " A. P. Joyner, clerk, his fees		"	4	92		
" " Wm. B. Causey, late clerk,		" "	4	48		
" " Wm. H. Howell, late sheriff		" "	1	00		
" " Eli B. Johnson, Coror. his fee		"	1	00		
" " Hugh H. Williams,		" " "	1	00		
" " Murdock G. Williams		" " "	1	00		
carried on			166	96	1021	21

Brought on	166	96	1021	21
To paid Murdock G. Williams. Admr. of Washington G. Williams. Comr. per decr.	1	00		
" " John L. Fulgham. Comr. "	1	00		
" " W. J. Kilby for writing said deeds "	10	00		
" Amount to Balance	842	25		
	1021	21	1021	21
By Balance brought on.			842	25
To paid Wilbur J. Kilby, atty. for Irene C. Powell 1/3 of $842.25	280	75		
" " Wilbur J. Kilby, atty. for Jas. W. Griggs 1/3 of $842.25	280	75		
" " Richard E. Parker 1/5 of $280.75	56	15		
" " William E. Parker ditto	56	15		
" " Stephen T. Rawls, guardian of Martha C. Parker 1/5 of $280.75	56	15		
" 1/5 of $280.75 retained for Sarah E. Parker.	56	15		
" ditto retained for Thos. Parker.	56	15		
	842	25	842	25

Instead of retaining the said sum of $280.75 for James W. Griggs, the Commissioner has paid the same to said Griggs. This was done because all the liens by judgments or otherwise on the interest of said Griggs in said land, including the judgment mentioned in said decree in favor of Wm T. Smith, had been previously satisfied and the necessity for retaining his share of said money had thereby been removed. The satisfaction of these

liens makes it unnecessary for a Commissioner of said Court to take state and report to court an account of them as directed by said decree.

The shares of said Richard E. Parker and William E. Parker in said money were paid to them after they had become twenty-one years of age.

The shares of Sarah E. Parker and Thomas Parker have been retained because they are still under twenty-one years of age and have no guardian.

Respectfully submitted this 4th. day of September 1894.

Wilbur J. Kilby.
Special Comr.

Received of Wilbur J. Kilby, Special Comr. the respective sums of money charged in the foregoing account as paid to us and set opposite our names as follows;

Wm. H. Howell, late Shff.	$1.00
Wilbur J. Kilby, Atty.	$16.50
Wilbur J. Kilby, Atty.	$50.00
Wilbur J. Kilby for Jno. L. Fulgham, Comr.	$1.00
Wilbur J. Kilby, Atty. for Irene C. Powell.	$280.75
Wilbur J. Kilby, Atty. for Jas. W. Griggs	$280.75
Wilbur J. Kilby	$10.00

Parker, Richard E. Tals

vs. } In Chy.

Griggs Tals

Report of collections and disbursements under decree of 12 Apl. 1892

Confirmed 10 Oct. 1894.

1894 Sept. 8th Filed

L. P. Gomey clerk

To the Circuit Court of Nansemond County, Va.

In pursuance of the decree of the Circuit Court of Nansemond County Va. pronounced on the 11th. day of April A.D. 1889 in the Chancery Cause pending in said Court between Richard E. Parker, William E. Parker and others Complainants and James W. Griggs and Irene C. Powell Defendants, the undersigned ~~of~~ the Commissioners appointed for the purpose specified in said decree, respectfully report to Court, that proceeding to discharge the duties required of them by said decree, they found the land of which Asecision Griggs died seised and possessed, mentioned in the Bill in said Cause, to consist of two separate parcels of land as follows, to wit:

1. All that certain tract or parcel of land situated in Chuckatuck Magisterial District in said County containing 91 1/4 acres, more or less by survey, and bounded on the North by the Reed's Ferry Road, on the east by the land of William Phillips, deceased

and the land of John Samuel Copeland, on the South by the lands of George Luke and Martha Pinden, and on the West by the land of Carr D. Butler.

2. All that certain tract or parcel of land situated in said District and County, containing 42 9/10 acres more or less, by survey, and bounded on the North by the land of James W. Griggs, on the East by the lands of James W. Griggs and James W. Parker on the South by the lands of James W. Parker, Frank C. Wright and G. Adolphus Redd, and on the West by the lands of said Redd and the Estate of Robert A. Archer's deceased.

Your Commissioners then proceeded to make partition of said lands as directed by said decree, but found that such partition could not be conveniently made in any one of the modes specified in the statute in such a case made and provided, to one of the parties in interest was willing to accept said lands and pay therefor to the other parties such sums of money as their interest therein entitles

them to, and, therefore, the said lands were not allotted to any one of the parties.

The said lands, as will be seen from the plats and surveys thereof herewith filed as parts of this Report, consist of two separate parcels situated about 1/2 or 3/4 of a mile apart. They are already too small to constitute desirable farms and if divided into smaller parts would be practically worthless for farming purposes.

Your Commissioners are of the opinion that the interests of those interested would be best promoted by a sale of said lands and the distribution of the proceeds of the sale among them according to their respective rights.

Finding it inconvenient to make partition of said lands in kind and being of opinion that the interests of all parties would be promoted by a sale, Your Commissioners recommend that said lands be sold and the proceeds divided among the parties according to their rights.

The said parcel of 91 1/4 acres of land is worth about $500. and the other parcel about $250.

Respectfully submitted this 24th. day of September A.D. 1891.

Washington, F. Williams
Eli. B. Johnson
Hugh, H. Williams
John L. Fulgham
W. G. Williams
} Commissioners

Porter & als.
vs. } In Chy.
Griggs & al.

Report of Comrs. under decree of 11 April 1889

Confirmed 14 Oct. 1891

Filed September 26th 1891
Geo. Clark

LAND AT AUCTION!

By authority of a decree of the Circuit Court of Nansemond county, Va., pronounced on the 14th day of October, 1891, in the chancery cause pending in said court between Richard E. Parker and others, plaintiffs, and James W. Griggs and others, defendants, I shall offer for sale by public auction to the highest bidder, before the Courthouse door of said county, on County Court day,

MONDAY, NOVEMBER 9, 1891,

the following real estate of which Ascension Griggs died seised and possessed, to wit:

1. All that certain tract or parcel of land situated in Chuckatuck Magisterial district, in said county, containing 91 1-4 acres, more or less, by survey, and bounded on the north by Reed's Ferry road, on the east by the lands of William Phillips' estate and John Samuel Copeland, on the south by the lands of George Luke and Martha Pruden, and on the west by the land of Carr D. Butler.

2. All that certain tract or parcel of land, situated in said district and county, containing 42 9-10 acres, more or less, by survey, and bounded by the lands of James W. Griggs, James W. Parker, Frank C. Wright, G. A. Redd, and Robert Archer's estate.

TERMS OF SALE.—Enough of the purchase-money to cover the costs of said cause and the expenses of the sale will be required in cash and the remainder in equal sums at the end of one and two years respectively, with interest from the day of sale; the purchaser to execute bonds in evidence of the deferred payments with good personal security, and the title to the land to be retained until the further order of Court.

WILBUR J. KILBY, Special Commissioner.

GEORGE T. PARKER, CRIER. OCTOBER 20, 1891.

I, AZRA P. GOMER, Clerk of the Circuit Court of Nansemond county, Va., do certify that the bond required of Wilbur J. Kilby as Special Commissioner under the decree of said Court on the 14th day of October, 1891, in the chancery cause pending in said court between Richard E. Parker and others, plaintiffs, and James W. Griggs and others, defendants, has been executed with security deemed sufficient by me.

Given under my hand this 20th day of October, 1891. A. P. GOMER, CLERK.

Richard E. Parker Jals.

vs.

Griggs Jals.

This cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner, Wilbur J. Kilby, filed on the 8th. day of September 1894 (the same being a Report of the collection and disbursement of money in pursuance of the decree entered herein on the 12th. day of April 1892), and was argued by counsel.

On consideration whereof the Court doth approve and confirm said Report to which no exception has been taken, and doth order that this cause be continued.

10

Parker, Richd. E. &c.

vs. } In Chy.

Griggs &c.

In the Circuit Court of Nansemond County, Va. October 4th 1894

Decree

To be entered

CMH

Entered in Chancery Order Book No. 2 Page 568.-

Parker, her friend

vs.

Griggs & als.

This cause came on this day to be again heard on the papers formerly read and on the Report of Special Commissioner Wilbur J. Kilby, filed on the first day of April 1892 (the same being a Report of the sale of the lands of which Ascension Griggs died seised and possessed in pursuance of the decree entered herein on the 14th. day of October 1891) on the Petition of William T. Smith this day filed with leave of the Court and was argued by Counsel.

On consideration whereof the Court doth approve and confirm said sale and Report to which no exception has been taken, and doth adjudge, order and decree that said Wilbur J. Kilby as Special Commissioner, collect of Leigh R. Watts the sum of five hundred and seventy dollars together with the interest thereon from the day of said sale, the same being the purchase-money due by him for the parcel of land containing ninety-one and one-fourth acres, more or less, sold to him as in said Report specified, and also collect of James W. Smith the sum of four hundred and thirty-five dollars the purchase-money being the purchase-money due by him for the parcel of land con-

taining forty-two and one-half acres, more or less, sold to him as in said Report specified, and make to said Leigh R. Watts a deed with special warranty in the usual form conveying to him the land ~~aforesaid~~ as aforesaid purchased by him, and, make to said James W. Smith a like deed conveying to him the land ~~aforesaid~~ purchased by him as aforesaid.

And the said Special Commissioner is directed to pay, out of said money, first in full all the costs of this cause and the expenses of said sale and also ~~a fee~~ to the Counsel of the Plaintiffs a fee of fifty dollars, and then pay one-third of the remainder, ~~to~~ the ~~def~~ thereof to Steve C. Powell, one of the defendants, or her attorney, she being entitled to the same as heretofore determined in this cause, and retain one-third of said remainder for James W. Griggs, also one of the defendants, until the further order of Court, he being entitled to the same as heretofore determined in this cause. And it appearing that Edna V. Parker one of the six Plaintiffs entitled to the other third of said remainder of said money, as heretofore determined in this cause, has departed this life, an infant, quite young, without issue and

that her interest in said lands, derived by de-
scent from her mother, or her interest in the pro-
ceeds of the sale thereof, descends and passes to her
brothers and sisters, Richard E. Parker, William
E. Parker, Martha C. Parker, Sarah E. Parker
and Thomas Parker, Plaintiffs in this cause,
who are her nearest kindred on the side of her
mother from whom her said interest was
derived as aforesaid, the said Special Com-
missioner is directed to pay one-third of the
net proceeds of the sale of said lands to the
guardian of said Richard E. Parker, ~~Martha~~
E. William E. Parker, Martha C. Parker, Sarah
E. Parker and Thomas Parker to be equally
divided between them for their use and ben-
efit, when such guardian shall have been
appointed by a Court of competent jurisdiction
and shall have given bond in sufficient pen-
alty and with sureties sufficient for the secur-
ity of the same. And said Special Commissioner
will make report to Court of his transactions under this
decree.

And on the motion of said William T. Smith,
by his counsel, he is made a party plaintiff
in this cause; and it appearing from his
said Petition that there is a lien in his favor ~~by pud~~ on the in-
terest of said James W. Griggs in said lands, or the
proceeds of the sale thereof, by judgment obtained by

Parker, per friend

vs. } In Chy.

Griggs Dals.

In the Circuit Court of
Nansemond County,
April 12, 1892

Decree 12

To be entered

C.T.D.

Entered in Chy Order
Book No 2. Page 430—

this again to said James Griggs before the sale of said lands, for the sum of twenty-five dollars with interest thereon from the 20th day of November 1884 till said sum for are and 1/100 dollars costs, as well as other liens thereon by judgments in favor of other persons; 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 take and report to Court an account of the liens by judgment or otherwise on the interest of said James W. Griggs in the lands aforesaid, or the proceeds of the sale thereof, according to their priorities, notice of the time and place of taking said account, given to said William T. Smith, or his counsel, and said James W. Griggs, executor, and Annie Thereof or the other parties to this cause be sufficient without personal

Parker Pals

vs.

Parker Pals.

This cause came on this day to be again heard on the papers formerly read and on the Report of Commissioners. Washington G. Williams. Eli B. Johnson Hugh N. Williams John L. Fulgham and M. G. Williams, filed on the 26th. day of September. A. D. 1891 (being a Report in pursuance of the decree entered herein on the 11th. day of April A.D. 1891) and was argued by Counsel.

On Consideration whereof the Court doth approve and confirm said Report to which no exception has been taken.

And it appearing from said Report that partition of the real estate mentioned in the Bill and fully described in said Report, cannot be conveniently made in any one of the modes prescribed in the Statute in such case made and provided, that no one of the parties interested therein is willing to accept said real estate and pay therefor to the other parties such sums of money as their interest therein may entitle them to, and that the interests of those who are entitled to said real estate, or its proceeds

will be promoted by a sale of the whole thereof and the distribution of the proceeds of sale according to the respective rights of those entitled, the Court doth adjudge, order and decree that said real estate (being that of which Ascension Griggs died seised and possessed as specified in the Bill), be sold and that Wilbur J. Kilby, who is hereby appointed Special Commissioner for the purpose, proceed to sell the same by public auction before the Courthouse door of this County on some County Court day on the terms of payment by the purchaser of enough of the purchase-money in cash to cover the costs of this cause and the expenses of the sale and the remainder in equal sums at the end of one and two years respectively with interest from the day of sale; the purchaser to execute bonds in evidence of the deferred payments with good personal security and the title to the land to be retained until the further order of Court.

But before proceeding to make said sale said Special Commissioner will advertise the time place and terms of the sale by printed notices to be posted in the neigh-

Courthouse door and several public places in said County and by publication of the notice once a week for two or three successive weeks in a newspaper published in the Town of Suffolk in said County and will execute before the Clerk of this Court a Bond in the penalty of fourteen hundred dollars with good personal security payable to the Commonwealth of Virginia and conditioned for the faithful discharge of his duties under this decree and all other decrees he may be required to execute in this cause and will obtain of said Clerk a certificate of the due execution of said Bond and append the same, or a copy thereof to the advertisement of said sale, and make report to Court of his transactions under this decree.

Parker & als.

vs. } In Chy.

Griggs & als.

In the Circuit Court
of Nansemond
County
October 14, 1891

Decree
To be entered
ent

Entered in Chan-
cery Order Book No 2. p. 411

Parker etc.

vs.

Griggs & als.

This cause came on this day to be again heard on the papers formerly read and on the answers of the defendants James W. Griggs and Irene C. Powell filed herein on the 18th. day of October A. D. 1889 by leave of the Court with general replications to said answers and upon a rehearing of the decree entered herein on the 11th. day of April A. D. 1889 on the Petition of the defendants filed herein by leave of the Court on the 18th. day of October A. D. 1889 and was argued by Counsel.

On Consideration whereof the Court is of the opinion that there is no error in said decree entered herein on the 11th. day of April A. D. 1889 and that under the first clause of the will of Ascension Griggs deceased (a copy of which will is filed with the Bill in this Cause and marked Exhibit A.) the persons entitled to A the land mentioned in said clause, upon the

death of Benjamin J. Parker, the life-
tenant, without Children ~~passed~~ were
to the children of said Ascensin
Griggs living at the time of her
death, namely, Irene C. Powell
widow of Charles Powell, deceased,
James W. Griggs and Martha A.
S. G. Parker, late wife of James
W. Parker, jointly, share and share
alike, and that ~~the children~~
~~of said Martha A. S. G. Parker~~
~~(she being dead), are now en-~~
~~titled to her same~~, the Complain-
ants, Richard E. Parker, William
E. Parker, Martha C. Parker, Sarah
E. Parker, Thomas Parker and
Edna V. Parker, children of
said Martha A. S. G. Parker
(she being dead), are now en-
titled to her share, jointly and
equally.

The Court doth, therefore ad-
judge, order and decree that
said decree of the 11th. day of
April A. D. 1889 be and the same
is hereby ratified and confirm-
ed in all respects.

Parker Pals.

vs. } In Chy.

Griggs Pal.

In the Circuit Court of Chancellor-mond County April 20th. 1891

Decree

To be entered

C 91 2

Entered in Chancery Order Bk No 2 Page 389

Parker per friend etc.

vs.

Griggs Tal.

On the Petition of the defendants filed herein, by leave of the Court, on the 18th. day of October last and on ~~the~~ the motion of the defendants by counsel and for good cause shown, a re-hearing of the decree entered herein on the 11th. day of April A.D. 1889 is granted the defendants,

And with the consent of the parties hereto, here entered of record, it is ordered that this cause may be submitted to the Judge of this Court for such decision and decree herein in vacation as might be made in term to have the same force and effect as if made and entered in term.

Parker per friend

vs. } In Chy.

Griggs et al.

Decree
To be entered
April 17th. 1890
C M Shi

Enrolled Chancery
Order Book No. 2
p 336.

Parker & al.

vs.

Griggs & al

On the motion of the defendants by counsel leave is given them to file in this cause their Petition for a re-hearing of the decree entered herein on the 11th. day of April last. and said Petition is accordingly this day filed.

And on further motion of the defendants by counsel leave is given them to file their answers herein and thereupon said answers are accordingly this day filed.

Parker et al.

vs } In Chy:

Griggs et al.

In the Circuit
Court of Jefferson
County
October 18th. 1889

Order
To be entered

CMH

Entered Chancery
Order Book No 2
page 304.

Parker.
vs
Griggs et al

This cause came on this day to be heard on the bill of the complainants taken for confessed as to the defendants, both adults, they still failing to appear and plead, answer or demur thereto, and was argued by counsel. On consideration whereof the Court is of opinion and doth decide that the infant plaintiffs are entitled to that proportion of the lands of their grandmother, ~~the~~ deceased Griggs, that their mother, Martha A. S. P. Parker would receive, if living, under the terms of the bill of said deceased Griggs Therefore the said infants, to wit: Richard E, William E., Martha E., Sarah E., Thomas and Edna E. Parker are entitled to one-third of the lands of which their grandmother died seized and possessed, share and share alike.

And the Court doth further adjudge, order and decree that John L. Hall, Esq., Washington G. Williams, Eli B. Johnson, M. G. Williams & H. H. Williams, who are hereby appointed Commissioners for that purpose, any three or more of whom may act, do assign and allot to each of the parties entitled to share in the division of the land in the bill mentioned, whatever portion

he or she may be heir to: by meter and bounds if practicable, so that Jennie L. Powell shall have one-third, James W. Suggs one-third and the above named infant Complainants the other third, share and share alike. If the land cannot be divided without loss or injury, then said Commissioner shall report the fact to Court and their reasons therefor, with the value of said land. And said Commissioner are directed to report any other matter deemed pertinent by themselves, or that may be requested by any of the parties in interest.

And the Cause is Continued &c.

Partition
Ex Parte
Suggs et al

1889 - April 10th
Rough draft
To be entered
C.M.Fair

Chancery Order Book
No: 2 Page 260.

Parker
vs
Griggs — — Note of Counsel —

The main point in this case is to determine who under the will of Ascension Griggs is entitled at this time to the ownership of the land mentioned in the bill —

The will gives the land to Benjamin J. Parker, an infant, for life, & then to his children — If he left no children the land was to be equally divided between the children of the testatrix. of whom she had three living at her death to wit — James W. Griggs, Isaiah Powell and Martha Parker — the mother of Benjamin J. to whom the land was devised, and the mother of your infant complainants.

Martha Parker died a year or more after the testatrix; Benjamin died this year — Your honor will see that the bill does not say, in the event of Benjamin dying without children, that the land is to go to the children of the testatrix then living, but to her children generally — There is no doubt if the mother of the complainants were living that she would be entitled to 1/3 of the land — Therefore it seems conclusive that these infants are now entitled to their (What would have been Powell
mothers share — Ameena v Ameena vs Griggs)
one of the children take that view and has filed a paper in the case to that effect.

See Sec 25-23 Code of '88

Respectfully,
C. H. Causey

Parker &c

vs

Griggs &c

Note of Counsel

for Plaintiff

I, Irene C. Powell, an heir at law of Ascension Griggs and party to the suit of James W. Packer Adm. vs James W. Griggs. do hereby declare ~~said~~ it to be my intention to withdraw from said suit and do hereby declare that it is my wish desire ~~purpose~~ & intention that my sisters (Martha and Sarah Augustine Pontheir) children shall have one third (1/3) of the land in the Bill & proceedings mentioned.

witness }
N B Hayden. }
D. P. Wright }

Irene C. Powell
her
X
mark

1888 - Octo. 8th.

FIAT JUSTITIA
JOHN MURPHY,
BALTO.

Nansemond County State of Va.

I Assension Griggs doth make this my last will and testament to wit: after paying my debts and buryal expenses

1st I loan to my grandson Benjamin J. Parker, all of my land estate during his life and then I give it to his children if he leaves any, and if he should not leave any. then the land should be eaqually divide beweean my children. also one bed and furniture which his grandfather left in my hands for him.

2nd I give Clarence. A. Griggs one low bed and furniture and one Gun.

3rd I give Arenia. C. Griggs, my horse, one cart & wheels and gear.

4th I give Mozasker. A. Griggs twenty dollars if there be enough left.

5th: I leave the remander if any is be eqnally divided between Arenia Griggs and Mathew A. S. J. Parker and James Griggs Children.

June 29th: 1881.

Signed in the presents of

W. G. Williams
Hugh H. Williams
Murdock G. Williams

assension her X Griggs
Mark

At a Monthly Court held for Nansemond County the 10th day of October 1881.
This Last Will and Testament of Assension Griggs

late of this County, deceased, was this day
fully by the oaths of W. G Williams and
Murdock G Williams, two of the subscribing
Witnesses hereto, and was thereupon ordered to
be recorded. And there being no Executor
named in the said Will, on the Motion of
C. H. Causey, who made oath as the law directs,
and entered into a bond in the penalty of Five
hundred dollars, conditioned according to
to law, with James W. Griggs. James W. Parker
and Richard H. Rawles, his sureties therein
(who justified on oath as to their sufficiency,
and which said bond being acknowledged by
the obligors therein is ordered to be recorded):
certificate is granted the said C. H. Causey for
obtaining Letters of Administration on the Estate
of the said Aspensim Griggs, deceased, with her
said will annexed, in due form

Teste:

Peter B. Prentis Clerk

a copy

Teste:

Peter B. Prentis. Clerk

Assensium Grigg's

Will.

Acopy.

"A"

To the Honorable Chandler W. Hill. Circuit Court Judge for the County of Nansemond. State of Virginia:

Humbly Complaining respectfully represent and show unto Your Honor, Your Petitioners. James W. Griggs and Irene C. Powell:

That on the 20th. day of August A.D. 1888 a suit in Chancery was instituted in the Circuit Court of Nansemond County by Richard E. Parker, William E. Parker, Martha C. Parker, Sarah E. Parker, Thomas Parker and Edna V. Parker, all infants, suing by James W. Parker, their father and next friend against your Petitioners, having for its object the construction, and determination of the meaning and intent, of the first clause of the last will and testament of Ascension Griggs deceased and the partition of the land mentioned in said clause among the persons entitled thereto, or the sale of said land and distribution of the proceeds thereof a-

ming the persons entitled thereto. a copy of said will having been filed with the Bill in said suit and marked exhibit A.

That the first clause of said will gives all the land of said Ascension Griggs to her grandson, Benjamin J. Parker during his life with remainder in fee-simple to his children, but if he should die without children, then in fee equally to the children of said Ascension Griggs, as will appear by reference to said will.

That on or about the 19th. day of September 1881 said Ascension Griggs died leaving three children to wit. Martha A. S. G. Parker, wife of James W. Parker, your Petitioners;

That on or about the 5th. day of October 1882, the said Martha A. S. G. Parker died leaving seven children, to wit. said Benjamin J. Parker. Richard E. Parker. William E. Parker. Martha C. Parker. Sarah E. Parker. Thomas Parker and Edna V. Parker.

That in August 1888 the said Benjamin J. Parker died.

That on the 11th. day of April 1889 a decree was entered in said suit whereby it was adjudged that the Plaintiffs in said suit were entitled to the interest or share to which their mother, said Martha A. S. G. Parker, would have been entitled in said land under said will, if she were living, to wit, to a one-third part thereof.

Your Petitioners allege that under said will the said Martha A. S. G. Parker was not entitled to any interest whatsoever in said land and that her children, therefore, have no interest therein, for they could only claim an interest therein by inheritance from her.

That the children of said Testatrix to whom said land was to go in fee after the death of the life tenant, said Benjamin J. Parker without issue living were the children of said Testatrix living at the time of the

death of said
life-tenant and not those living at the time of her death, because the fee could not become ~~vested~~ vested in the children of the said Testatrix at all except upon the failure of the life-tenant to leave children and the question as to whether the life-tenant would leave children could not be determined until his death.

That the said Martha A. S. G. Parker died soon after said Testatrix and before said life tenant; that she never therefore, had a vested interest in said land, and that her children, (the grand-children of said Testatrix and Plaintiffs in said suit), can not claim any interest in said land by inheritance from her; that they can not claim any interest in said land under said will because they are not the Children of the Testatrix: and that your Petitioners, who were the only children of said Testatrix living at the death of said life-tenant, are

alone and exclusively entitled to said land, the said life-tenant having died leaving no children.

Your Petitioners, therefore, pray for a rehearing of said decree whereby it was decided that said Plaintiffs, the Children of said Martha A. S. G. Parker, are entitled to a one-third interest in said land, the same being, as they claim, erroneous and unjust as to them, and that it may be rescinded, cancelled and annulled, and that said suit may be dismissed, and such other and general relief granted to Your Petitioners, as to the Court may seem proper. And they will ever pray etc.

James W. Griggs
Irene C. Powell
By Wilbur J. Kilby
their Counsel.

12 Sept. 1889

Parker etc.

vs. } In Chy.

Griggs & al.

Petition of de-
fendants for
a re-hearing.

Filed 18 Octo. 1889
by leave of Court.

1889 Sept 30th filed
Clk

To the Hon. Chandler W. Hill, Judge of the Circuit Court for the County of Nansemond, Va.

Humbly complaining respectfully represents and shows unto Your Honor, Your Petitioner, William T. Smith, as follows;

That on the 20th. day of August 1888 a suit in Chancery was instituted and is still pending in the Circuit Court of Nansemond County between Richard E. Parker, William E. Parker and others, suing by James W. Parker their next friend, Plaintiffs, and Irene C. Powell and James W. Griggs, Defendants, having for its object the construction of the first clause of the last will and testament of Ascension Griggs deceased and the partition of the land mentioned in said clause among the persons entitled thereto, or the sale of said land and distribution of the proceeds of the sale among the persons entitled thereto, a copy of said will having been filed with the Bill in said suit and marked "Exhibit A".

That by a decree entered in said cause on the 20th. day of April 1891 it has been determined that said James W. Griggs is entitled to a one-third in-

in pursuance of
terest in said lands and, ~~by~~ a further decree entered in said Cause on the 14th. day of October 1891. the said land has been sold for partition: the proceeds thereof being now ready for distribution.

That on the 25th. day of September 1888, before the sale of said lands, your Petitioner recovered against said James W. Griggs before a justice of the Peace of said County, a judgment for twenty-five dollars ~~and~~ and interest thereon from the 20th. day of November 1884 till paid and $1.10 costs:

That said judgment was docketed on the 26th. day of September 1888 in the office of the Clerk of the County Court of said County, has never been satisfied, and is a lien on the interest of said James W. Griggs in said land or the proceeds of the sale thereof.

Your Petitioner alleges that there are judgments in favor of sundry persons against said James W. Griggs, docketed ~~in~~ in said office and constituting liens upon his interest in said lands.

Your Petitioner, therefore, prays that he may be made a party plaintiff in said suit and be allowed to file this his

petition therein: that the liens by judgments or otherwise, including the lien aforesaid in his own favor, upon the interest of said James W. Griggs in said land, or the proceeds of the sale thereof, may be ascertained and reported to Court, and that the dividend of said James W. Griggs in said proceeds may be applied to the discharge thereof, so far as the same may be necessary; and that such other and general relief may be granted him as the nature of his case may require or to the Court shall seem proper. and he will ever pray etc.

William T. Smith
By Wilbur J. Kilby, his Counsel.

6 April 1892

Parker, per friend

vs. } In Chy.

Griggs Def.

Petition of Wm. T. Smith

Filed 12 April 1892
by leave of the Court.

Parker per friend
vs.
Griggs + als.

This cause came on this day to be again heard on the papers formerly read and on the Report of Wilbur J. Kilby, Special Commissioner, this day filed by leave of the Court (the same being a further Report of the collection and disbursement of money in pursuance of the decree entered herein on the 12th. day of April 1892) and was argued by counsel.

On consideration whereof the Court doth approve and confirm the said Report to which no exception has been taken, and, it appearing that nothing more remains to be done herein, doth adjudge, order and decree that the proceedings had herein be final and binding between the parties, and that the cause be removed from the docket

Parker, her friend
vs. } In Chy.
Griggs & als.

In the Circuit Court for the County of Chancellor
April 17, 1900
Final decree
To be entered.

R. A. Ellis

Entered in Chancery Order Book No. 3. Page 285.

In the Circuit Court of Nansemond County, Va.

Parker and others per friend

Against } In Chancery.

Griggs & others

The joint and separate answers of James W. Griggs and Irene C. Powell to a Bill of Complaint, exhibited against them in the Circuit Court of Nansemond County by Richard E. Parker, William E. Parker, Martha C. Parker, Sarah E. Parker, Thomas Parker and Edna V. Parker, infants, suing by James W. Parker their father and next friend, Complainants;

These Respondents reserving to themselves the benefit of all just exceptions to the said Bill for answer thereto, say,

That it is true as alleged in said Bill that Ascension Griggs departed this life on or about the 19th. day of September 1881 possessed of certain real and per-

sonal estate in Nansemond County and leaving her last will and testament, a duly authenticated copy of which is filed with said Bill and marked Exhibit A.

But these defendants deny that "by the terms of said will it will appear that her real estate was bequeathed under certain reservations to her grandson, the brother of the Complainants" and that "it was provided that in the event of the death of ~~said~~ Benjamin J. Parker before attaining his majority or without lawful issue said real estate or land should pass to the children of the Testatrix".

These defendants allege that said Ascension Griggs by her said will, as will appear by the first clause thereof, devised all her land to her grandson, Benjamin J. Parker, brother of said Complainants, during his life and then to his children, ~~if~~ but, if he should not leave any children, then to her children to

be equally divided between them.

That it thus appears that said land was not devised "under certain reservations", but was devised without any reservations whatever.

That it thus also appears that the words "before attaining his majority or without lawful issue", no where occur in said will in connection with said devise.

That said will does not provide that said land should pass to the children of the Testatrix "in the event of the death of said Benjamin J. Parker before attaining his majority or without lawful issue"

That said land was devised as these defendants construe said will to said Benjamin J. Parker during his life and after his death in fee-simple to his children, but if he should leave no children, then in fee-simple to the children of the Testatrix living at the death of said Benjamin J. Parker and not to her children living at her death.

That at the time of her death, the said Testatrix had

three children, who survived her, namely: these defendants, James W. Griggs and Irene C. Powell and Martha A. S. G. Parker, the mother of the Complainants and also of said Benjamin J. Parker,

That said Martha A. S. G. Parker died on or about the 5th. day of October 1882 after said Testatrix, but before said Benjamin J. Parker, and that afterwards, on or about the day of August 1888, the said Benjamin J. Parker died leaving no children, but leaving these defendants, children of said Testatrix, and no other of her children, surviving him,

These defendants allege, therefore, that under said will they alone and exclusively are entitled to said land; that the Complainants, who are the children of said Martha A. S. G. Parker and not the children of said Testatrix are not entitled to any interest whatever in said land, for said Testatrix gave said land after the

death of said Benjamin J. Parker to his children, who would have been, if he had had any, her grandchildren by him, or in the event of his leaving no children, then to her own children and not to her grandchildren by the said Martha A. S. G. Parker or any other of her children.

That if the Complainants, the children of said Martha A. S. G. Parker and grandchildren of said Testatrix, have any interest in said land, it must have been acquired by inheritance from their mother and not under and by virtue of said will, for they are not children of the Testatrix, nor of said Benjamin J. Parker who died leaving no children.

That the Complainants could not have inherited any interest in said land from their mother, because she herself never acquired, before her death, any interest therein under said will, for while she was a child of said Testatrix, yet she died

before said Benjamin J. Parker, the life-tenant, and before the time had arrived for the remainder in said land to vest in fee in the children of the Testatrix, for said remainder could not vest in fee in the children of said Testatrix until said Benjamin J. Parker's death and also his failure to leave children, and, therefore, it followed that the children of said Testatrix in whom said fee was to vest were those living at the death of said Benj. J. Parker in case he left no children. As the mother of the Complainants, notwithstanding she was a child of the said Testatrix, was not living at the death of said Benj. J. Parker without children, she never acquired any interest in said land and, therefore, her said children ~~cannot~~ are not entitled to any interest therein by inheritance from her.

These defendants were the

only children of said Testatrix living at the death of said Benj. J. Parker without children and are therefore alone and exclusively entitled to said land in fee under said will.

These defendants therefore deny the right of the Complainants to a one-third interest or any other interest in said land, and also deny that they have the right to maintain their suit, or said Bill, to compel partition of said land between themselves and these defendants in any manner, shape or form, and therefore pray that the decree ~~entered in this cause~~ pronounced in accordance with the allegations and prayer of said Bill on the 11th day of April 1889 whereby it was adjudged among other things, that said Complainants were entitled to the interest or share to which their mother, said Martha A. S. G. Parker would have been entitled in said land under

said will if she were living, to wit, to a one-third part thereof, may be rescinded, cancelled and annulled - the same being erroneous and unjust as to them, and that said Bill may be dismissed and such other and general relief granted these defendants as to the Court may seem proper.

And these Respondents having fully answered the Bill of the Complainants, pray to be hence dismissed with their reasonable costs by them in this behalf expended and they will ever pray etc.

Wilbur J. Kilby,
Atty. for Defendants.

12 Sept. 1889

State of Virginia }
County of Nansemond } to wit

This day James W. Griggs and Irene C. Powell appeared in person before me, Wilbur J. Kilby, a Com-

missioner in Chancery of the Circuit Court for the County aforesaid and made oath that the matters in the above answer stated as of their own knowledge are true and those stated upon information of others they believe to be true

Given under my hand this 12th. day of September 1889.

Wilbur J. Kilby.
Comr. in Chancery.

Parker, per friend

vs. } In Chy.

Griggs & al.

Answers of
the defendants

Filed 18 Octo. 1889
by leave of the Court.

Virginia: —

In the Circuit Court of Nansemond County

To the Hon C. W. Hill, Judge —

Your Complainants, Richard E., William T., Martha E., Sarah E., Thomas and Edna D. Parker — children of James W. Parker and Martha A. E. Parker, (the latter having been a daughter of Ascension Griggs), being infants, under the age of twenty-one years, and therefore suing by James W. Parker their father and next friend, respectfully present to your Honor's Court the following case —

On the 19th day of September, 1881, Ascension Griggs the maternal grandmother of your Complainants died, possessed of certain real and personal property in the County of Nansemond, in this State — Before her death she executed in due form her last will and testament — a duly authenticated copy of which is here attached marked "A" and is prayed to be taken as part of this Bill — By the terms of said will it will appear that her real estate was bequeathed under certain reservations to her grandson, the brother of your infant Complainants

It was provided that in the event of the death of said infant, Benjamin J. Parker, before attaining his majority or without lawful issue that said land should pass to the children of the testatrix.

At the time of the death of said Ascension

Griggs, three children, to wit- James W. Griggs, Martha A. S. F. Parker and Irenia Powell, nee Griggs were living, one of whom, Martha A. S. F. Parker was the mother of the child to whom the said Ascension Griggs devised the land named in the bill, and also the mother of your complainants-

On the 5th day of October, 1882, the mother of the devisee and of your complainants departed this life and after that, to wit; on the day of August, 1888, the said Benjamin J. Parker, the devisee aforesaid also died- Your complainants claim that they are entitled to that portion of said land which their mother, if living, would be entitled to, to wit- one-third thereof, and as their right seems to be disputed they humbly pray at the hands of this court a construction of the last will and testament of Ascension Griggs and the determination of their right in the premises

Your complainants further pray that if in the opinion of this court they are entitled, as they claim, to one-third of said real estate that partition of the same be made amongst the several parties if susceptible to division in kind, but if not that the same be sold and the proceeds distributed between the parties according to

their respective interests
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 sort are alone Cognizable and
relievable, your Complainants pray
that James W. Maggs & Irene C. Powell, wife of Maggs
widow of Charles Powell, deceased —
be made parties defendant to this bill
and required on their oaths to answer
the same, according to the best of their
knowledge, information and belief fully
& particularly as if the statements
of this bill were here again repeated and
that if said Complainants are entitled
to one-third of said land that it be
divided between the parties, and in case
the same be indivisible in kind, that
the same be exposed to Sale, and the pro-
ceeds thereof be distributed among all
the parties entitled thereto, that proper
process may issue, and that such other
further and general relief may be
afforded your Complainants as the
nature of the Case may require or to
Equity shall seem meet.
And your Complainants will ever pray &c
C. H. Causey S. G.

Parker
vs
In chancery
Griggs et al

"Bill"

Diagram of Mrs Ascension Griggs's wright place.-
200 Feet to the inch
42 7/10 acres
Mag. vari 2° 48' west.-
Sept 17th 1891
B. P. Baker Co Surv.-

N.
S.
Pine Beginning
S. 13¼ E. 344 Ft.
S. 15 E. 200 Ft.
Red oak
B. Gum
S. 81 E. 106 Ft.
S. 1½ E. 156 Ft.
S. 33½ E. 186 Ft.
S. 27½ E. 211 Ft.
Ravine
Pine
S. Gum
Ash
S. 7 E. 542 Feet
B. Gum
Lands of Patsy Pruden
Lands of George Luke
Lands of Samuel Copeland
Lands of Wm. Phillips Estate
Old Road
N. 67 W. 210 Ft.
S. 80 W. 6075 Feet
S. 50½ W. 347½ Ft.
Old Mill Pond
Old Road
Thence along Horn owl swamp its various courses 3502 Feet to the
Thence
Red Oak
Pine
Pine
Pine