

2586

To the Hon. ~~John C. Case~~,

County

Judge of the Circuit Court of Albemarle, Virginia.

Your Complainant, Virginia Tonsler (nee Goins) respectfully represents unto your honor that she is the daughter of Robert James Goins, who was the only son of Robert Goins, deceased; that the late Robert Goins, her grandfather, died in the year 1885, seized and possessed of two certain tracts or parcels of land situated in the County of Albemarle, South West of and near the City of Charlottesville. The first of said tracts of land is described as follows: A certain piece or parcel of land lying in the County of Albemarle containing 1-4/10 acres and is further and more fully set out in a deed dated the 26th. day of November, 1860, to Robert Goins from Thomas R. Bailey and Anne Eliza Bailey, his wife, which deed is duly recorded, a certified copy of which is herewith filed marked Exhibit "A", and is asked to be read as a part of this bill.

The second of said tracts or parcels of land is described as follows: A lot or parcel of land containing 3 acres, and is further and more fully set out in a deed dated March 1st., 1845, from Ezra M. Wolfe and wife to Robert Goins, which deed is of record in the Clerk's Office of the Circuit Court of Albemarle County, a copy of which is herewith filed marked Exhibit "B", and is asked to be read as a part of this bill.

That Robert Goins, while so seized and possessed of the aforesaid tracts or parcels of land died intestate in the year 1885, leaving your Complainant's father, Robert J. Goins, who also died intestate in the year 1897, leaving surviving him his widow, Complainant's mother, Sarah Goins who still survives with two other children of Robert J. Goins, in addition to Virginia Tonsler, your Complainant, William F. Goins, an adult, and Frank R. Goins who is an infant 17 or

18 years of age, who are grandchildren of the late Robert Goins; that the late Robert Goins in addition to his son, who has since his father's death died, left surviving him three daughters who are still living, whose names are as follows: Lucy J. Johnston, Katharine Jones and Cornelia Proctor, who, together with the late Robert J. Goins' ~~sons~~ are the sole heirs at law of the late Robert Goins.

That Patsy Goins, wife of Robert Goins, survived her said husband and died in the year 1901; that before her death, in fact from and before the death of her husband until her demise she resided upon the aforesaid estates of her husband, and some of her children and grandchildren did, in fact the three daughters do, and have been for sometime since their father's death, residing in distant States of the Union; that sometime before the death of their mother and Complainant's grandmother, she made a will; amongst other provisions of said will testatrix undertook to devise all her real and personal estate to her four children, and a part to her granddaughter, Polly Coles. Polly Coles has been permitted to live on said property since the death of Patsy Goins by the three daughters of the late Robert Goins, who were part owners of said property. Sufficient it is to say about this, that their mother, Patsy Goins had no property, real or personal, to dispose of as the property she spoke of devising in her will to her children and granddaughter was the property of her husband, Robert Goins, that he had bought and paid for the same and had received deeds thereto in his lifetime, and of which he died intestate, and in which their mother had no interest, control or ownership therein in any manner whatsoever save a dower interest therein which she had by reason of her marriage to their father and Complainant's grandfather and the death of Complainant's grandfather. Said will appears to have been fully proven and duly probated, admitted to record or probated as re-

quired by law, and recorded in Will Book No. 30, P. 486. A copy of said Will is herewith filed marked Exhibit "C" and is asked to be read as a part of this bill.

Complainant alleges and charges that her grandmother never had any property, real or personal, to dispose of by her will and that all the property mentioned by her grandmother in her said will belonged wholly to her grandfather Robert Goins, and at his death, he having died intestate, all of his property, real and personal, descended to his four children who have been heretofore mentioned, who were his sole heirs at law, subject only to the dower of her grandmother therein.

Complainant further alleges that these two tracts of land lie contiguous to each other, or practically in one body, that located upon said property are two small houses, the residence of the late Robert Goins, that no partition of said land has been made amongst said heirs, and that all of the said land is regarded of much value.

Notwithstanding the fact that Complainant believes and charges that her grandfather, the late Robert Goins, had paid in full all of the purchase money for the aforesaid tracts of land, there appears of record in the Clerk's Office of the Circuit Court of Albemarle County a conveyance from said Goins to S. V. Southall, trustee, recorded in D. B. 59, pp 239 and 240, a trust deed securing to Thomas R. Bailey three bonds for \$77.14 each, with William H. Fenney as surety, dated 26th. of November, 1860, payable one, two and three years from their respective dates.

It further appears from the records that there is another trust deed given by Robert Goins to Robert S. Jones, recorded in the Clerk's Office of the Circuit Court of Albemarle County in D. B. 47, p. 54, a deed of trust dated 24th. of September, 1849, securing one bond to one Wolfe for \$69.45, and another bond to one Muskgrove for the sum of \$71.54. This deed of trust appears to be on the three

acre tract of land that the late Robert Goins purchased from E. M. Wolfe.

Your Complainant further alleges and charges as to the aforesaid supposed liens that she is satisfied and alleges they have been fully paid and adjusted in the lifetime and by her grandfather, the late Robert Goins. But, if by any possibility this is not true, then all of the aforesaid bonds are barred by the Statute of Limitations and are no longer enforceable against the estate of said Goins.

Complainant further alleges and charges that all of the real estate of which her grandfather died seized and possessed is, as she believes, susceptible of partition amongst the parties ^{parties} thereto. But should the property not be divisible in kind Complainant believes and charges and here states that the interest of those who are entitled to said real estate or its proceeds will be promoted by the sale of the whole of the same, or by an allotment of part and sale of the residue.

In consideration whereof, and forasmuch as your complainant is remediless in the premises save by the aid of a court of equity, she prays that Sarah Goins, William F. Goins and Frank R. Goins an infant, Carroll V. Tonsler, Lucy J. Johnston, Cornelia Proctor, Katharine Jones and Polly Coles ^{and J. S. Sautter's trustee} be made parties defendant to this bill and required, but not on their oaths, to answer the same, the oaths being hereby expressly waived, the said adults in their own proper person and the said infant by guardian ad litem, that a guardian ad litem be appointed in this cause, ^{for said infant} who shall also answer this bill, that proper process issue, that a reasonable attorney's fee be allowed for bringing and prosecuting this suit, that the said estate be divided amongst the parties ^{parties} thereto, or else, if it cannot be divided that it may be sold and the proceeds divided amongst the adult and infant parties according to their respective rights, the share of the infant to be so held as directed by the Statute for such cases made and provided, that all proper orders and decrees may be made, accounts taken and inquiries directed, and that your Complainant may have all such

Virginia Tonsler

v.

Lucy J. Johnston & Others

The joint and separate answer of Lucy J. Johnston,
Cornelia Proctor and Katharine Jones .

These respondents reserving to themselves all just exceptions to said bill, or so much thereof as they are advised is proper, answer and say,

That the allegations contained in said bill are practically correct, that their father, the late Robert Goins, died intestate in the year 1885, leaving surviving him at that time, a son who was their brother, Robert J. Goins, and themselves, three sisters, who were his sole heirs at law; that his wife, their mother, Patsy Goins also survived their father and died in the year 1901, that their father died seized and possessed of the two tracts of land mentioned in said bill, that this land is of considerable value, and that they think the prayer of the bill as to the partition of the said land amongst the heirs of the late Robert Goins should be made, that they think that it would be to the interest of all that it be done, and that they think that this property is susceptible of division in kind amongst the heirs and that this is the best method to pursue.

These respondents say it is true that their mother, Patsy Goins appears to have made a will, which appears to have been duly probated, by which she attempted to devise her property to her four children and a part to her granddaughter, Polly Coles.

These respondents say that their mother had no property, real or personal, to dispose of at her death and that nothing passed under said will either to them or to anybody, that all of the property mentioned in said will belonged to their father who died intestate as to all of said property, and all of which descended to his heirs, subject to his widow's dower. *and they further say, that they on all widows.*

And now having fully answered, these respondents pray to be hence dismissed with their costs, etc.

Lucy J. Johnston
Catherine Jones
Cornelia Procter

Virginia Tensler,

vs. Report of Commissioners-

Lucy J. Johnston et als.

To the Honorable H.W. Melt, Judge of the Circuit Court for the County of Albemarle, Virginia-

The undersigned who were duly appointed commissioners of your Honor's Court by decree entered December, 2nd, 1912- in the above cause, in obedience to said decree, beg leave to report to your Honor, that after having been duly sworn, they went upon the land for the purpose of making a division thereof, and after thoroughly viewing the entire estate of the late Robert Geins, decided that a division in kind of the said property was best for those concerned, and had a survey and plat made of the land, by J.C. Mann, surveyor, dated December, 1912- which plat is herewith returned with this report, and divided the estate of which the said Robert Geins, died seised and possessed into four parts, in kind, and numbered the parts as follows; 1, 2, 3, 4- metes and bounds of Lot No. 1- are as follows, Beginning at west corner to Lot No. 2- in the center of a 30 foot street, thence S. 51 W. 312 feet, and N. 43-1/2 W. 188 feet, and N. 58 E. 315-1/2 feet to the center of said street and with it 150 feet to the beginning- Containing 1-2/10 A. metes and bounds of Lot No. 2- are as follows; Beginning at S.E. corner of Lot No. 1- in the center of a thirty foot street thence with said street S. 45 E. 45 feet opposite to a stone, thence still with said street S. 63 E. 90 feet to corner to Lot No. 3- thence with it S. 44 W. 275 feet to a stake thence N. 62 W. 172-1/2 feet to a stake, in bank of branch N. 51 E. 312 feet to the beginning- Containing 95/100 Acre- Metes and bounds of Lot No. 3- are as follows; Beginning in the center of 30 foot street at eastern corner to Lot No. 2- thence with said street S. 63- E. 140 feet thence S. 33 W. 270 feet to a stake, thence N. 62 W. 190 feet to corner to Lot No. 2- and with it N. 44- E. 275 feet to the beginning- Containing 1 Acre- Metes and bounds of Lot No. 4- are as follows, Beginning in the center of a 30 foot street at corner to Lot. No. 3. thence with said street S. 63 E. 177-1/2 feet to corner of an old rock fence thence N. 62 W. 200 feet to corner of Lot No. 3- and with it N. 33 E. 270 feet to the beginning- Containing 1-25/100- One and twenty five one hundredths acres- after so doing your commissioners allotted and assigned by lot the estate as follows; Lot NO. 1. fell to Virginia Tensler, Wm. F. Geins, and Frank R. Geins, and in Lot NO. 1. we as-

signed dower therein as shown on said plat to Sarah Gains, widow of Robert J. Gains, deceased, - Lot No. 2- fell to Katherine Jones, - Lot No. 3- fell to Lucy J. Johnston and Lot NO. 4 fell to Cornelia Prester, in the south end of this lot the family burying ground is located as shown on said plat and a strip of land 10 feet wide is laid off and reserved for a right of way to and fro over this lot from the street in front of said property to the said graveyard, for the use of the family so long as said burying ground is kept for that purpose-

Your commissioners will appear from said plat made and laid off in front of and off of said property enough land to make a 30 feet road or street for the use of all of said property, from a stone in front of Lot No. 2 all along east of that point to the eastern margin of Lot No. 4, as the street was already west of that point in front of a part of the entire property 30 feet wide-

Respectfully submitted-

December-4th, 1912-

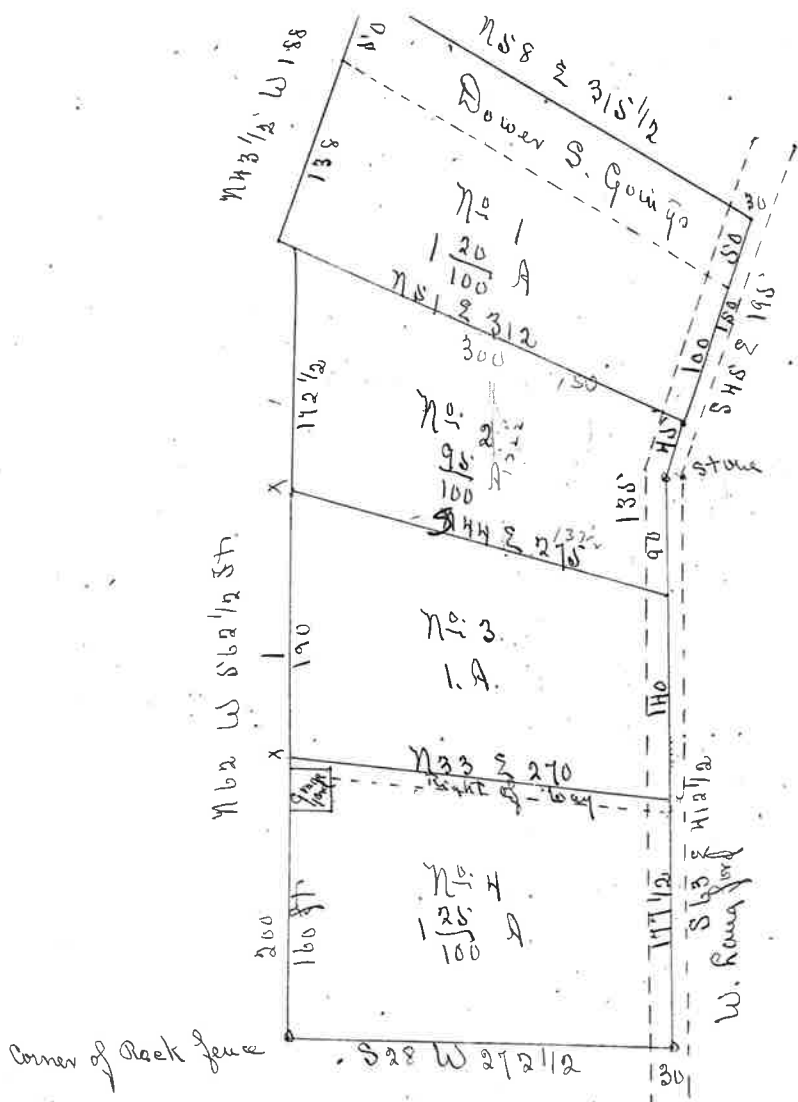
Costs	
Surveyor J. B. Williams	\$ 10.00
G. M. Rogers	5.00
John Keith	5.00
Sol. Kaufman	5.00
Livery charges	3.00
	<hr/>
	\$ 29.00

C. W. Rogers

John West

Sol. Kaufman

 Commissioners-



IN THE CIRCUIT COURT FOR THE COUNTY OF ALBEMARLE, to-wit:

Sallie Cobb-- Plaintiff

vs.

Annie D. Kennedy Defendant.

The general object of the foregoing action at law now pending in the above named Court under the style above given, and the attachment sued out therein is to attach the estate of the defendant, Annie D. Kennedy in the following property, to-wit:

A certain tract of land located on the South side of Albemarle County, formerly belonging to one Hencilwood, and adjoining the lands of Dorrier Bros, and known as the "White Hall Place" and to subject the same to the payment of the claim against the said Annie D. Kennedy ascertained in this suit in favor of the plaintiff, to-wit: A claim for \$5,000.00 damages for a wrong, which is stated in the declaration filed in this suit, and is for the alienation of the affections of the husband of the said plaintiff and depriving her of the comfort, fellowship, society, maintenance and aid of her said husband.

Given under my hand this 11th day of January 1913.

Sallie Cobb

State of Virginia, County of Albemarle, to-wit:

I, S.R. Gault a Notary Public in and for the County aforesaid in the State of Virginia, do certify that Sallie Cobb whose name is signed to the writing above had acknowledged the same before me in my County aforesaid. Given under my hand this 11th day of January 1913.

S.R. Gault N.P.

In the Clerk's Office of Albemarle Circuit Court Jan'y 13th 1913.
 This Bill Pendens was presented to me in said Office and with certificate annexed admitted to record.
 Teste: W. R. Markin Clerk.

*And
 Sallie Cobb
 vs. Annie D. Kennedy
 1.25
 Paid
 The court upon which this bill pendens is based, has been dismissed by order of the Albemarle C.C. entered April 22 1913
 Markin & Co. atty for Sallie Cobb.*