

1826-047

SOUTHAMPTON COUNTY
CHANCERY PAPERS

VICK etal vs. VICK etal

8/1826

other SURNAMES: Gardner

Vick
vs. } Bell and
Vick }

Deere
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Vick 8-3
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Vick 8-3
Chy.

Sept 1826

Deere Co

To The worshipful the county Court of Southampton in chancery
Sitting — Humbly complaining Shew unto your worship your
Orators Peggy Vick widow of Edwin Vick dec^d and Clementine &
Amelius Vick infant children of the said Edwin Vick by your
Orators Peggy Vick their next friend — That a certain John Vick
and the said Edwin Vick your Orators husband in his lifetime
Married Sister & s^r your Orators formerly Gardner & Polly Vick for
merly Gardner daughters of Anna Gardner which last died some
years past intestate leaving his said two daughters and Joseph
Gardner his children & heirs at law That among other things he
left a tract of land which under the law was equally divided
in point of Value between among the said John Vick Edwin
Vick (in right of their wives) and the said Joseph Gardner and their
several parts assigned to them — That the said Edwin Vick about
year since took possession of his part and purchased from
the other two their part for which he was to pay to them
Five hundred dollars each — That owing to the family connec-
tion which subsisted among them they did not at the time
pass deeds & bonds &c. but deferred it until some more convenient
time and the said Edwin entered upon a part of the land
and made improvements which may be considered valuable in
proportion to the quantity & quality of the land. entertaining no
doubt of the correct intentions of the parties his brother & sisters in

Law. nor does your Orator suppose, that any difficulty would have occurred, but for the death of her husband Edwin Vick which happened in April of the present year, a little more than 12 months after the said purchase, and before the necessary arrangements were made for completing the same by the execution of the proper instruments. Neither does she believe that there would now be any need not that that there are infants concerned, which makes it improper for the parties to do any thing by which their interests may be involved unless by virtue of an order of a competent authority.

Your Orator states, that these two pieces of land she believes to be fully worth the purchase money, but that she does not apply to this Court to decree the fulfillment of the said Contract for the sake of getting the advantage of a good bargain, but because these two tracts lie adjoining the other land of the said Edwin Vick dec'd. and would be of more advantage to the estate of the Edwin than the purchase money, no part of which she admits has been paid, but believes, that there is a sufficient sum in the hands of the said John Vick who is the adm^r of the said Edwin to pay the same. In tender consideration of the premises it is prayed, that your worship decree the said John Vick & the said Joseph Gardner, who are prayed defendants, to make to the complainant good & complete right to the said two pieces of land, & that the adm^r may make provision to pay for the same, out of the assets appraised in his hands & as in duty he. —

Peggy Vick for herself
& as guardian to the infants.

The joint & separate answers of John Vick individually & as adm^r of Edwin Vick dec'd & Joseph Gardner. (These respondents saving and reserving &c. for answer thereto say That. The allegations of the complaint the said bill contained are for the most part true.

The respondents admit each separately that they made the sales to Edwin Vick the one of 200 acres & the other 150 acres, which they received as their proportions of the estate of Amor Gardner, at the price of \$500. each. — That they were always ready to receive the purchase money, or take land for it and make deeds to Edwin Vick, but was rather negligent in doing so; thinking that it might be done at any time and in the mean time the said Edwin Vick died and as these respondents agree in belief that it would be to the advantage of the estate that it should be carried into effect, they have no objection to the prayer of the bill. — The respondent Vick admits that he has in his hands, available assets sufficient to answer the payment, as the adm^r which are or will be in money, & having answered they pray to be dismissed &c.

John Vick
Joseph Gardner

This cause this day, came on to be heard by consent of the parties on the bill & answer, whereupon the Court doth adjudge order & decree, That. the said John Vick & his wife, Polly Vick Execute their deed, with her relinquishment thereon according to law to. Peggy Vick widow, & Clementine & Amey

* is the bill of complaint submitted as there in they court by Peggy Vick dec'd

Veck enpant heirs of Edwin Veck. for a tract or parcel of land
situate in the County of Southampton being the part of Amor
Gardner's dec'd. land. which was allotted to them as their proportion
Containing 150. More or less. Not however in equal proportions but
to operate to them as if the said land had been possessed by Edwin
Veck at his death & had descended to them ~~the said~~ Peggy to
be entitled to one third for life & the other two thirds & the remain-
der. to the two heirs &c. undivided. and if the wife of the said
John Veck. should refuse to make her right. then he is to give a
bond of indemnity with good security conditioned according to the premi-
ses. in which case this decree is not to be obligatory on her - and that
the said Joseph Gardner. execute a deed as a ~~deed~~ for his proportion
of said Amor Gardner's land. allotted & sold in the same manner. Con-
taining 150 acres more or less ^{and that they} return the same to Court records to
be recorded. and the said John Veck and ~~Amor Veck~~ pay to
the said Joseph Gardner. the sum of five hundred dollars. with
interest from the 26 day of Dec^r 1826 and retain in his hands
the like sum of five hundred dollars. with interest from the same
time. out of the funds in his hands. of the estate of Edwin Veck dec'd.
and be allowed a credit for both sums. in his administration
of said Edwin Veck's estate.

This is to certify to the Court. that My de^d husband purchased
for \$500. dollars
Edwin Vick a piece of land containing about 100 acres, & also a
piece from Joseph Gardner of 150 acres for the said sum.
and no deed was made nor bond given for the money. I wish
that the Court would direct that the parties coming to me as the
widow of Edwin Vick & his two infant heirs agreeable to our proper
instruments the said land & further direct the purchase money to be

paid out of my dec^d husband's estate to the said John Vick
in right of his wife & the said Joseph Garver. or such
other decree as to the Court may be deemed proper. —

Teste.

Joseph Vick

(11)

James Vick

Margaret Vick (Seal)