1829-014 SOUTHAMPTON COUNTY CHANCERY PAPERS VICK'S GDN & al vs VICK'S GDN & al 7/1829

Plat

other SURNames: BARNES, MYRICK, JORDAN

Nèh mèthèr
in
Jordan Guèrre

To the worshipful Court of Southampton county in Chancery sitting.
Humbly complaining shew to your worships your orator and
oratrixes, Richard Jordan Guardian to Elias, Lemuel, Seeum
and Elizabeth Vick infants of tender years, Margaret
Vick widow & relict of Seeum Vick dec'd, Mills W Vick admor
of the same Seeum, Boling Vick & Lydia his wife that Seeum
Vick, late of this county died seized & possessed of landed
estate in this county, consisting of several small detached
and seperate tracts, that your orator and oratrixes are very
desirous of having the widows dower assigned her and the
remainder sold upon reasonable conditions &c, so as
that the widow may have her dower of the home house, appur-
tenances and a due portion of land according to the quality
& quantity of the whole lands, and that the bonds be delivered
to your orators Rich'd. Guardian as aforesaid, Boling in right
of his wife, & Mills W. the said children being the only lawful
heirs of the said Seeum. In tender consideration of the premises
and for as much as your orator & oratrixes are without
remedy save in a court of Equity. To the end therefore that your
worships will appoint a Guardian ~~to the said infants~~ ad litem
as I also upon a petition of the said Guardian ad litem to the infants Vrginia & Vincent Vick
upon inquiry in the premises, and upon the coming in of
the answers of such Guardians ad litem, will make such
order and decree in the premises as may be meet & equitable
and the nature of your orators, and oratrixes case may require.
May it please &c

The answer of J. Mills W. Vick, specially appointed by
the Court Guardian ad litem to defend the infants, Elias
Lemuel, Seeum, & Elizabeth ~~Vick~~ Vrginia & Vincent Vick
infants of tender years.

This defendant having &c answers and says that he thinks a sale of the infants land will be greatly

to their advantage, and that the portion of each heir will not be equal to the sum of $300 but much short of it, that provided the sale be upon twelve months after sufficient notice, he concurs in the propriety of the sale, and recommends it. This defendant having now answered he prays to be hence dismissed &c &c

Orem.

Rich and others
vs
Rich

This day this cause came on to be heard upon the bill, answer, and depositions in the cause, whereupon the Court doth adjudge order and decree, that Commissioners hereafter to be nominated, do proceed to assign to Margaret Rich, widow &c her dower in the lands of her dec'd husband Geom, and it be so laid off as to include the home house as it is called, with so much land as shall be one third of the whole, having regard to the quantity & quality of all the lands, and sell the remainder of the lands in a body or in parcels to suit purchasers as they the Commissioners shall think best, and convey to the purchaser or purchasers by deed of bargain & sale without warranty the said land or parcels thereof, upon twelve months credit, receiving so much as may be necessary to defray the expences of this suit, giving [illegible] days notice of the time & place of sale at the most convenient public places for such purchasers to attend

taking bonds with approved security to be delivered to the parties entitled one for his portion to Bolin Rich, another in like manner to Willis M. Rich another for four portions to Richd Jordan Guardian &c to the infants, and Jacob Barnes, Manly Magit. Alfred Dixon & Jno Rich (any two of whom may act in this behalf) are hereby appointed and authorized to carry the foregoing decree into effect, and make report to this Court of their actings & doings in this behalf—

Rich
vs
Rich

This defendant John Hargrave having demurred to the prayer of the complainants & denies that a sale of the land may be had upon the terms specified in their bill & having answered &c prays &c

Rich
vs
Rich

The an

to John Hargrave Guardian &c Vinna & Vincent

Nick
vs
Nick

depositions

1828 Dec. Bill ans. & filed & com. ord. and cause to take depositions &c

1829 July. Report returned & filed & cause by consent.

The depositions of Jacob Barnes and Alexander Reynick taken before us at Jerusalem in pursuance of the foregoing commission was directed in presence of the several guardians ad litem, who had in evidence in a suit wherein Rich & others are complainants and the said Guardians are defendants - These deponents being first duly sworn &c depo the said Jacob Barnes deposeth and saith that he is acquainted with the lands of the late Jeremiah Rich that they lie in small detached tracts and are of little or no value to the children but should not think it advisable that a sale of the said land should be had, unless the proceeds of such sale shall descend as real estate if it does so descend him he is of opinion that the said proposed sale will be advantageous and beneficial to the children & all persons concerned. and further &c

The deponent Alexander Reynick has read over the depositions of Jacob Barnes and fully concurs in the opinion therein by him expressed and further &c

The foregoing depositions qualified to before us two of the Justices of the peace for the county aforesaid, as witness our hands the 15th of December 1828.

Benj Griffing

Jno Everitt

To Benj: Griffin & Wm L. Everett

Justices of the peace for the county of Southampton

Greeting: We reposing &c do authorize you to cause Jacob Barnes and James Myrick to appear before you immediately at Jerusalem, and upon their corporal oaths, them to examine touching the propriety of the sale of Brittain &c Lands & negroes of Brittain which died seized and possessed, as prayed for in the bill by Rich & others v Rich & others, this day filed in our court of the county aforesaid, and forthwith & in turn the depositions &c by you taken to our Court to be read in evidence in the said suit. Witness James Rochelle Clerk of our said Court the 15th of December 1828 and in the fifty third

of the Commonwealth.

Jam Rochelle, D

Vict Gal

n Gloucy mere

Vict Gal

For Commissioners

Southampton County December Court 1828

Richard Jordan, Guardian to Elias, Lemuel, Exum, & Elizabeth Vick infants, Margaret Vick Widow & relict of Exum Vick dec'd Mills W Vick committ. of the said Exum Vick dec'd & Bolling Vick & Lydia his wife: Pltffs:

against

Mills W Vick Specially appointed Guardian ad litem to defend the infants: Elias, Lemuel, Exum & Elizabeth, Virginia & Vincent Vick. - - - - - - - - - - Defendants

In Chancery

This day this cause came on to be heard upon the bill, answers and depositions in the cause, Whereupon the Court doth adjudge order & decree that Commissioners hereafter to be nominated, do proceed to assign to Margaret Vick Widow & her dower in the lands of her dec'd husband Exum, and it be so laid off as to include the home house as it is called, with so much land as shall be one third of the whole, having regard to the quality & quantity of all the land; and sell the remainder of the lands in a body or in parcels to suit purchasers as they the Commissioners shall think best, and convey to the purchaser or purchasers by deed of bargain & Sale without Warranty, the said land or parcels thereof upon twelve months credit, except so much as may be necessary to defray the expences of this suit after giving fifteen days notice of the time and place at the most convenient public place, taking of such purchaser or purchasers bonds with approved security to be delivered to the parties entitled, one to Bolling Vick for his portion, another in like manner to Mills W Vick, a third for four other portions to Richard Jordan Guardian &c to the infants, and the fourth for two portions to John Wargrave Guardian to Virginia & Vincent; And Jacob Barnes, Maney Maget, Alfred Story, & Joel Vick (any two of whom may act in this behalf) are hereby appointed and authorized to carry the foregoing decree into effect and make report to this Court of their acting & doings in this behalf

A Copy James Rochelle c c

Southampton County December Court 1828 decreed and in conformity therewith We Maney Maget Alfred Story and Joel Vick commissioners named therein have layed off and assigned to Margaret Vick widow and relict of Exum Vick Dec'd as her right of dower in said decedents land lot No 1 containing one hundred Six acres & one half of land the ballance of said decedents land we have sold as will appear by the Execution of our Six distinct deeds to the purchasers and from the Sales of all the said land we have raised the sum of Twelve hundred dollars & eighty one & half cents Twenty Eight dollars paid thereof Maney Maget one of us commissioners have rec'd in cash out of which he is to pay the expenses of this suit together with the Expenses incurred in the Surveying part of the decedents land and the ballance of the Twenty eight dollars if any divided rightly amongst us as our commission herein the ballance of the amt of sales being eleven hundred Seventy Two dollars eighty one & ½ cents we have Taken from the purchasers bond with good Security proportioning the same so as to pay to each the amount or amounts which they were entitled to agreeable to the said decree all of which providings of ours we respectfully submit to the Court given under our hand and seal this 21st day of March 1829

Maney Maget (Seal)
Alfred Story (Seal)
Joel Vick (Seal)
his mark

lot No 3 Mills Vick a $5. a acre 71/355
lot No 2 John Harcave a $5. 50 ÷ ch acre
lot No 4 Josiah Vick a $3, 55 ch acre to E. Vicks Estate
Exum Vick Tract $300, 50 for [illegible]

Commissioners
Report
Exum Vicks land
1829

Mathias Vick $361
William Cutter to 23 acres $11.45

Commissioners Report 1st January 1829

N

Post oak a corner for
Rich^d Jordans line
Pine
Sweet gum & Pine

House Lott No 1
106½ Acres
to Widow

Sweet gum & Pine

Sweet gum

Pine & Sweet gum

Lott No 4
58¼ Acres

Pine & Sweet gum

W

Sweet gum

Pine

Sweet gum
Dam
This belongs
to the house Lott

Pine & Sweet gum

Small Pine

Pine

Upper end of
old Machine hole

Lott No 3
7 Acres.

Pine

Post a new corner
Pine

Lott No 2
44½ Acres

White oak & hickory a corner
for Rich^d Jordans line

E.

Pine
Sweet gum
Small Post oak a corner in Rich^d Jordans
Centre of 2 Black gums & White oak a corner
Gum Pope
Papaws

Post oak

Corner in Mc Hargraves

Scale 40 Poles
to an Inch

Tho^s B. Howell Surv.

Cordy D. Bishop &
Holladay Revill } C.C.

Commissioners

Jacob Barker

Mary Maggett

Alfred Blair

Ed Nick

Dr. Sir.

We the undersigned wish you to fraim and pray a Decree of the next Court to be holden for Southampton County to Divide by Sale the Land of which Exum Vick Died seised and possessed all of which Lands lying in the aforesaid County and in Town or more Seperate Lots or Tracts we wish the widow of said Exum Vick to have her Dower Layed of in or out of one tract namely that one which she now Lives the residue Sold as aforesaid in fraiming the Decree it may be necessary that you refer to Commissioners report made about the Date 1820. on the Division and Sale of the Land of which Lemuel Vick Died seised and possessed with regard to the dower Lands of said Lemuel Vick by which report you are shown that Exum Vick holds or is entitled in said dower 1/3 of the same in right of himself and by purchase and that the remainding 2/3 belongs or will belong to the infant Children of Silpriue Vick Dec'd at the widows Death you hereby understand that the Decedent in his lifetime Purchased the Dower or Life Estate of Lemuel Vicks widow this being the only Intricate Case as we know in any of the said Decedents Lands you will provide for all Expences Incured hereby to be paid by the Commissioners they being authorised to make Sale of soumuch of the said lands for Cash and applyit and the Balance are at a Credit of Nine months &c. you further understand that we Mills W. Vick and Lydia Vick who inter married with Boling Vick and Margaret Vick widow and relict of said Decedent all of whose names are here under written are the only persons for whom that have attained the age of 21 years and that the following named persons are the infant Children of the said Decedent (Dowell) Vienna Vick Vincent Vick Celia Vick Lemuel Vick Exum Vick and Elizabeth Vick

and if upon Examination of the Case you find your self at a loss for Lack of further information on the Case you will be so good as to inform us of that fact Sept. Court which will postpone the obtaining a Decree until Oct. Court next.

N.B. We suppose the Land worth not more than One hundred and Fifty Dollars a share after the Dower is taken out you can make Richard Jordan next friend to the infant Children.

Given under our hands this the 10th Sept. 1828.

Margaret Vick

Mills W. Vick

Boling Vick

in right of his wife

Lydia