1830-061 SOUTHAMPTON COUNTY CHANCERY PAPERS VICK et al VS. PARKER et ux et al

8/1830

other SURNAMES: WORRELL

Cordall Vick Dal

vs

Bell &c

Parties dem &c.

Pleas

Filed 23 July decreed as filed
1830. Aug: Resp. rest. & final decree
by consent &c.

Complt &c. &c.

To the worshipful Court of Southampton County in Chancery
sitting humbly complaining shew unto your worships your
orator and orator Cordall Vick, Elizabeth E. Vick, & Wm.
J. Vick infant children of William Vick deceased
suing by Lewis Worrell their next friend, that some
time in year —— the said William Vick departed this
life, having first made & executed his last will & testament
a coppy of which is here unto annexed & prayed to be
considered as a part of this bill: at the time of the
execution of the said will, the said testator, had three chil-
dren, namely Patsey M. Vick, Jarrit Vick & Rebecca Vick
all of whom are still living; afterwards the said testator
had three other children, namely your orators & orator &
since his death, Polly Vick, his widow has intermarried
with one William Parker: the said testator, being seized
& possessed at the time of his death, besides personal property,
of a tract or parcel land containing by estimation forty two
acres supposed to be worth about two hundred dollars,
devised the same to the said Polly during widowhood, & after
her death to his son Jarrit Vick in fee simple. Under
the foregoing circumstances your orators & orator are
advised that, having been born after the making & publish-
ing of the said last will & testament, & having been neither
provided for nor disinherited, but only pretermitted by the
last will & testament aforesaid, they are entitled to succeed
to the same portions of the said real estate, as they would
have been entitled to, if the said father had died intes-
tate: But your orators & orator have been unable hitherto
to compel a division & partition thereof. In Tender
Consideration whereof & To the end that the said Wm.
Parker & Polly his wife, & the said Jarrit Vick, (who
being an infant, by some person to be appointed his guardian
ad litem) may be made defts hereto may upon their
several corporal oaths full & perfect answer make
to all & singular the said allegations & that as truly and
perfectly as if the same were here again repeated and

& interrogate- Your Orators therefore pray that your worships will decree a sale & division of the said tract of land, giving to the said William Parker compensation for his said wifes dower interest, to your Orators therefore, out of the part of the balance, & the residue to the Defts Newit Vick: & that your worships will make such other & further order or decree in the premises as to the Court may seem just & proper &c May it please &c

The joint & separate answer of William Parker & Polly his wife and Newit Vick an infant defending by the said William Parker his guardian ad litem, to the bill of complaint exhibited against them in this Court by Kendall Vick & others complts

These respondents saving & reserving to themselves any advantage of exception to the said bill, for answer thereto say that the allegations therein contained are true to the best of their knowledge & belief: they are willing that the tract or parcel of land in the bill mentioned, should be sold & the proceeds divided as required by the complts or in such other manner as to the Court may seem right:

Having answered &c They pray to be dismissed with their costs in this behalf sustained &c

Vick vs Vick - This cause came on this day to be heard on the bill taken for confessed, & was argued by Counsel: On Consideration whereof the Court doth adjudge order & decree that Lewis Worrell, Alexander Wyrick & John Barnett or any two of them after advertising the time & place of sale at least ten days successively, do sell at public auction on the premises the tract of land whereof William Vick died seized & possessed containing by estimation forty two acres or a credit of nine months, except such a sum as will be necessary to pay & satisfy the expenses of the sale & costs of this suit, which the said Commrs or such of them as may act are directed to receive & pay accordingly: And the Court doth further adjudge & decree that the said Commrs or such of them as may act take bond with good security payable to the Defts William Parker in right of his wife for one 1/6 part of the said net proceeds of sale, also one bond with like security, payable to the guardian of each of the complts for one sixth part of the balance of the said net proceeds of sale, together with one bond, with like security payable to the guardian of the Defts Newit Vicks for the residue of the said net proceeds of sale & make report &c

Vick &c
vs Copy decree
Parker &c

For Commissioners

Southampton County February Court 1829

Cordal Click, Elizabeth Click & William I Click infant children of William Click dec'd suing by Lewis Worrell their next friend. Plaintiffs

vs

William Parker & Polly his wife late and Newett Click an infant defending by William Parker his Guardian ad litem. Defendants

In Chancery

This cause came on this day to be heard on the Bill Answer & exhibit, and was argued by Counsel, in consideration whereof the Court doth adjudge, order and decree that Lewis Worrell, Alexander Myrick & John Barrett or any two of them after advertising the time and place of sale at least ten days successively, do sell at public auction on the premises, the tract of land where of William Click died seized and possessed containing by estimation forty two acres more or less on a credit of nine months, except such a sum in cash as will be necessary to pay & satisfy the expenses of the sale & costs of this suit which the said Commissioners or such of them as may act are directed to receive and pay accordingly. And the Court doth further adjudge, order and decree that the said Commissioners or such of them as may act take bond with good security payable to the Defts. William Parker in right of his wife for one sixth part of said nett proceeds of sale, also one bond with like security, payable to the guardian of each of the Complainants for one sixth part of the balance of the nett proceeds of sale, together with one bond with like security payable to the Guardian of the defts. Newett Click for the residue of the said nett proceeds of sale and make report to Court in order to a final decree.

A Copy Teste

James Rochelle c c

In conformity with the decree of the county court for Southampton a copy of which is herto annexed we Alexander Myrick and John Barrett commissioners named therein have as by the said decree directed Sold at auction on the 13th day of March 1829 the lot or tract of land named in said decree and Lyn Worrell then and there became purchaser for the Sum of Two hundred and ninety one dollars Twenty dollars part thereof said Worrell paid in cash which Sum we said Commissioners have disposed of in the following manner that is to say paid Richard Baker the Sum of Ten dollars his fee paid James Rochelle his fee Say three dollars & Thirty Eight cents the residue of cash as aforesaid we have retained as our commission Leaving the Ballance of purchase money being Two hundred and Seventy one dollars we have divided and Taken said Worrells Bond for in the following manner Viz one Bond payable to William Parker in right of his wife for forty five dollars & Sixteen cents one other bond payable to Benjamin Bryant Guardian for the three complainants namely Cordy Elizabeth and William and the other defendant towit Newit Vicks to each complainant the Sum of Thirty Seven dollars & Sixty Three cents and to the defendant Newit the Sum

of one hundred Twelve dollars and ninety Two
cents which ~~is~~ Sevral Sums Exhibits The full
amt. of the Sales of Said lands which proceedings
of ours we respectfully Submit to the court
Given under our hands This 20th day July 1830

Alexr Mc Nickols

John Barrett Comr

Nicholas &c
vs
Thos Pleasant
Parker &c
1830 Aug

In the Name of God Amen the 16th day of November in the year of our Lord one thousand Eight hundred and fourteen I Wm Vick of the County of Southampton and State of Virginia being weak in body but of sound mind and memory calling to mind the mortality of body and knowing that it is appointed for all men to die Do make and ordain this my last Will and Testament and first of all I recommend my soul to the hands of God that gave it and for my body I recommend to the Earth to be buried in a decent manner at the discretion of my Executor and as touching such worldly Estate as it hath pleased God to bless me with I give and dispose of as follows with in the manner and form Viz. 1st I desire that as much of the perishable part of my Estate be immediately sold after my decease as will be sufficient to pay all my just debts and funeral expenses with what money is due me 2nd After the payment of all my just debts and funeral expences I lend to my loving wife Polly Vick the land and plantation whereon I now live for & during her life in widowhood also I lend to my wife Polly Vick the use of all the residue of my Estate both real and personal during her life in widowhood in consideration of the maintainance of my three Children Patsey M Nevitt & Rebecca Vick 3rd I give to my son Nevitt Vick after my wife's decease or marriage the land and plantation whereon I now live being the same land I lent to my wife containing 62 acres more or less to him and his heirs forever 4th I give to my two daughters Patsey M and Rebecca Vick after my wife's decease or marriage all the residue of my Estate both real and personal be it great or small to them and their heirs forever to be equally divided between them 5th It is my desire that my Executor under named should take my son Nevitt Vick when he arrives to the age of Twelve Years and put him to his trade to set him free when he should arrive to the age of Twenty one years 6th and lastly I hereby constitute and appoint my friend Jesse Wyatt my whole and sole Executor of this

my last Will and Testament revoking all other Will by me before made In Witness whereof I the said William Dick hath hereunto set my hand & seal this day and date above written

Signed sealed published delivered in presence of

Lewis Worrell

James his X Dick mark

John Story

William Dick (Seal)

A Copy Teste

James Rochelle CC

" "

William Dick's

Will

A Copy

Patsey Malilda Vick Daughter of William Vick & Polley his wife was born May 1st 1810

Nemit Vick Son of the afore said was born March 17/1812

Rebecah Vick Daughter of the afs.d was born Dec.r 25/1813

Cordall Vick Son of the afs.d was born Feby 4th 1816

Elizabeth Etna Vick Daughter was born Dec.r 31st 1820

William James Vick Son of the afs.d was born 28th Oct.r 1822.

Mr. William Vicks
letter sent into my
hands by Mr. Lewis
Would for Examin
ation &c

The object is to have a sale of the land in question say 41 acres with out more than $200, among the minor children - the widow is married to William Parker - the children except the three named in the will have been born since the date of the will -