

1842-036

SOUTHAMPTON COUNTY
CHANCERY PAPERS

VICK etal VS. WADDLE [WADDILL]

4/1842

see also: Bevan et ux v. Vick et al 1830.2
etc

other surnames: Bevan
Waddill, Waddell, Watkins

28. 7.

Vick

to. } Papers

Waddill

Deft. Costs — \$4.24

Att. — \$4.21

2 fee & 16 66

\$ 20.87

1840-

Aug. — Bill filed & Sp. of

Sep. — Sp. Executed.

Nov. — Set for hearing.

1841

Apr. — ans of Dft. Waddill filed by
leave of the Court. Rept. & Court

1842 Apr. Bill Dismissed with
Costs &.

Pick 9-
vs 3 Bill
Waddle

1840 July 21.

(435 words)

To the Honourable Richard H. Baker Judge of the
Circuit Sup. Court of Law and Chancery in and for
the County of Southampton. Your Orator and Oratrix
Joseph N. Vick, and Mary F. Vick an infant by Jos-
eph N. Vick her next friend, heirs at Law of Dorothy N.
Beveran formerly Dorothy N. Vick, humbly complaining
shew unto your Honor, that their mother Dorothy N.
Beveran in her life time, owned and possessed two slaves
Adam and Sylvia, and that she being indebted to one
Jesse Vick, in her life time, in the sum of about \$240
which she found inconvenient to pay, she permitted
her brother John Waddell to take possession of said
slaves, who agreed and promised that he would
pay the debt due from her to John Vick, and reim-
burse himself for the money thus expended, by hiring out
the said negroes, after which time the negroes should
be returned to the sd. Dorothy N. Beveran. Your Orator &
Oratrix further shew, that in the year Their mother
Dorothy N. Beveran departed this life intestate, without
ever having recovered possession of said slaves, or viewing
any account of their hires, and leaving as her heirs at law
you Orator & Oratrix. You who although they have re-
peatedly applied to the said John Waddell for a return
of said negroes and an account of their hires, they have
never been able to obtain any settlement of the matter
whatsoever. Wherefore, to the end therefore &c they pray
that ~~John Waddell~~ your Honor would decree that
John Waddell render before a Commissioner of this
Court
an account of the hires of said negroes Adam and
Sylvia from the time they came into his possession
as aforesaid, also an account of the debt paid John
Vick under the arrangement aforesaid, that the
said John Waddell be made defendant unto this
Bill, with and be required fit and proper answers
to make to the allegations herein contained

as fully as though he were interrogated as to each
that Thomas Preston Sheriff & as such advice of Dorothy N. Beven
he also made a defendant hereto, that the Com-
monwealth's writ of Supporena may issue against them
requiring them to and that your Honor would
grant such further and general relief in the
premises as to you may seem fit, after

Funct -

19

Vick
↳ } Answer of
Raddie } Raddie

1941 April 1st filed by leave
of the Court.

To the Hon. Richard A. Baker Judge of the Circuit
Supr Court of New & Chi: for the County of Southampton—
The answer of John Waddell, to a bill of Complaint exhib-
ited against him by Joseph & Vick and Mary & Vick
an infant by Joseph N. Vick her next friend &c.

This defendant now, and at all times hereafter, doing
& reserving to himself, all, and all manner of benefits
and advantage of exception to the manifold errors,
uncertainties, imperfections, and insufficiencies in the
said Complaint to said bill of Complaint contained
for answer thereto, or unto so much or such parts
thereof as he is advised is material for him to
answer; This defendant answering saith— In relation
to the slaves Adam & Sylvia the subject of Claim in the
said bill of Complaint. That the said slaves were held
& owned by Joel Waddell at the time of his death, that
in his last will & Testament, he bequeathed Directly, &
Bequeathed the said slaves, on the express condition that she
should release within three months after the probate of
said will the sum of \$500— out of what might be her distri-
butive part of Robert Walkin's estate should she survive
her mother Eliza Waddell to whom the said Robert
Walkin bequeathed the whole of his estate during her life
time, to be distributed among such of her children as
might be living at the time of the death of said Eliza Waddell
all of which will more fully appear by the will of said
Joel Waddell & ^{Robert Walkin and} ~~Eliza Waddell~~ herewith filed & prayed
to be taken as part of this answer— This Defat would
also represent to your Honour, that he applied to said
Dorothy for sd release, in order that he might fulfil
that part of his Father's will as his Executor; that related to
the said slaves, but she neglected or refused to do so, until
the time had expired in which she could do so according
to the provision of said will— This Defat then applied
to the said Court & wife for the slaves Adam & Sylvia

in order that he might make sale of them according to the provisions of the will of Edw. Maddie, should the release not be made - but the parties were unwilling they should be sold & then consented to make the Release - This Defendant believing that the release could not then be made, the time having expired in which it was to be executed; yet being unwilling to deprive his sister, the said Dorothy, of the services of said slaves which she so much needed, accepted the said release from Becca Trife, & thereupon made a conveyance of said slaves to them, & thereby forfeited the amount of said \$588 to which this defendant would have been entitled as residuary legatee of his testator Edw. Maddie, the said Dorothy having died before her mother Elizabeth Maddie. This defendant had to account to such of his sisters as survived their mother for their full share of their uncle Robert Watkins' estate, including the said \$588 which had been advanced by Edw. Maddie Executor of Robert Watkins to his daughter Dorothy Becca a considerable time before the death of said Edw. Maddie & for which sum the said Maddie held the slaves Adam & Sylvia at the time of his death having been purchased by him at Sheriff's sale to raise the said sum advanced to his daughter out of Robert Watkins' estate -

This Defendant would also shew unto this Hon. Court, that the said slaves Adam & Sylvia were carried on under executions issued in favour of Cobb & Vick to a large amount to wit: the sum of \$400 - and that this Defendant and his sister Eliza W. Maddie at the earnest request of their sister Dorothy Becca, became responsible for said debt amounting to more than \$400 - and took a deed of conveyance for said slaves Adam & Sylvia & also the plantation on which said Dorothy Becca then lived in which she held a life estate &

which was rendered voluntary to them as she the said Dorothy died within a few months thereafter and the said slaves Adam & Sylvia were left to pay ^{as the said Maddie} the debt both being then nearly fifty years old - This Defendant then living in another state & being unwilling to hold property in Va. under such circumstances, and in ~~conjunction~~ ^{joint} with another; applied first to John Vick the guardian of the Claimants in the bill to which this is an answer, to take the said slaves and discharge the debt, but he refused to do so, alleging that the said slaves were old & their lives uncertain. This defendant made a proposition of the like nature to his sister Eliza W. Maddie who for like reasons refused - the only course for this Defendant to secure any part of the amt due him was to take the slaves which he did in Decr. 1835 - This Defendant would also state that the said Adam & Sylvia have already cost him upwards of \$1200, that to him they are comparatively valueless - that ⁱⁿ all these transactions he was actuated by the earnest desire to send his sister Dorothy Becca the mother of the Claimants, and that the said Claimants are now largely indebted to him the sum for money loaned & advanced to a large amt. to wit: the sum of \$300 - The other for board, clothing &c. that they are his near relatives & that he feels every disposition to aid and promote their interest & welfare - Having this to swear & for response we pray that said bill may be dismissed & that for honour decreed to this defendant his reasonable cost in this behalf expended & that defendant. M. R. O. Douglas P. D.

So.ampton County to wit:

This day personally appeared before me John Maddie and made oath to the truth of the foregoing answer. Given under my hand this 19th day of October 1840. J. Maddie

Vick

Wabace

and by apts
Council for the
Court

Bill dismissed

R.H.B.

Vick to Wadell -
Bile uprants that Dorothy Bevan
the mother of the peff: in her life
owned 2 slaves, Adam Sylvia,
and was inclined to sell Vick
in a sum of money that
she permitted John Wadell
the exst. to take possession of
them, the exst. agreeing to him
out the slaves for her share
the exst. - Bile filed July 1840.
any more filed after - 1841.
The answer states that the said
slaves were the property of Joel
Wadell, who bequeathed them
to Dorothy Bevan upon the condition
that she should release to him or
in 3 months after probate of his will
\$588, which Joel Wadell or
exor: of Rev. Wadell was to pay
Dorothy Bevan, provided she
should outlive the wife of
Joel Wadell - that in point
of fact Dorothy Bevan died
before Joel Wadell was
therefore entitled to nothing
and Joel Wadell for
his whole estate (after some
specific beq: in) to his son
who is the defendant -

c

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my
Vicks

in 2nd m (ch)

Waddell

1839 February Rules-

not found
Wm Lebride Dy of
J De Massenburg Dy

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon

John Maddill

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *February* next, to answer a Bill in Chancery exhibited against *him* in the said Court by

*Joseph & Vick and Mary F. Vick an infant by the said Joseph
N his next friend*

And unless *he* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this *he* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *21st* day of *December* 183*8*, in the *69th* year of the Commonwealth.

L R Edwards Clk

[One Copy to be delivered each Defendant.]

C 1050

Vick

v } Sp. in lthy

Waddell

1840 April Term

Executed by delivery
a true copy March 31
1840

Cope Drury att of
Dns. Follows

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon

John Waddell

before the Judge
to appear ~~at the Clerk's Office~~ of our Circuit Superior Court of Law and Chancery for the County
of Southampton, at the ~~Rules to be holden for the said Court~~ on the first ~~Monday~~ *day of April*
next, to answer a Bill in Chancery exhibited against *him* in the said Court by

Joseph A. Vick and Mary Vick an infant by Joseph A. Vick her next friend

And unless *he* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this *he* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *25* day of *March* 18*80*, in the *64* year of the Commonwealth.

L.R. Edwards Clk

[One Copy to be delivered each Defendant.]

+

C

656

Vick

to } Sp. in Chy.

Waddell & Co

1840 September Rules

Executed by delivering a
true copy to each
August 17/1840

Wm Drury of
Thomas Mellow ~~self~~

THE COMMONWEALTH OF VIRGINIA,

To the ^{Coroner}~~Sheriff~~ of Southampton County, Greeting:

We command you that you summon *John Waddill & Thomas Drellon*
Sheriff and as such administrator of *Dorothy M. Dwan dec*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden 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

Joseph M. Vick and Mary F. Vick an infant by Joseph W. Vick her next friend

And unless *they* shall answer the said Bill within ^{*two*}~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *25* day of *July* 18*70*, in the *65th* year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

At a Court held for Surry County January 28th 1812.

The within written testament and last will of Robert Watkins, deceased, was presented in Court by Noel Waddill, one of the Executors therein named, the same being proved by the oaths of John Carter, Robert McEntish and David Price, the witnesses thereto, as by the Court, ordered to be recorded.

The said Noel Waddill one of the Executors as aforesaid made oath and gave bond, without security pursuant to said will, and Certificate is granted him for obtaining a probat thereof in due form. And liberty is reserved the other Executors therein named to qualify at a future day.

Teste

John Faulcon C. C. C.

Attest
Teste

Wm. P. Henderson, Secy.
28th Oct. 1840.

Ro. Watkins's will

(Attest)

Vick

to }

Waddill

Filed by Dft. October 30th

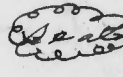
1840.

I Robert Watkins of Surry County make and ordain
this my last will and testament, in form and manner following
It is my - and desire, that my land and plantation
whereon I now live known and called by the name of "Goodman"
with my houses and lots in the Town of Petersburg, be im-
-mediately after my decease sold by executors, and the money
arising from the sale of the same by considered my personal
estate property - I give and bequeath unto my sister Sarah
Garbrough, the sum of five hundred dollars to her, and her
heirs forever. I lend unto my ^{said} sister Garbrough, my negro girl
Milly for and during her natural life. I give and bequeath
unto Thomas W Dewey the sum of one thousand dollars, and
the interest arising thereon to be paid him (or his guardian for
his benefit) annually, until he arrives to the age of twenty one
years. And in case the said Thomas W Dewey should die
before he arrives to that age, I give the said legacy as here-
-after expressed. I lend the rest, residue, and remainder of
my estate, with the profits thereof to my sister Elizabeth
Waddell for and during her natural life and at her
death, to be equally divided amongst such children, as she
may then have living, with the negro girl lent to my
sister Garbrough, and the legacy left Thomas W Dewey provided
he should die before he arrives to the age of twenty one years.

My will and desire is, that my executors should not be
bound to give bond and security for the administration of
estate and that my estate should not be appraised

Lastly, I nominate, constitute, and appoint my friends
Anselm Bailey, and Moss Waddell, Executors to this my
last will and testament. In Witness whereof I have hereunto
set my hand and seal this 22nd day of August 1811.

Signed, sealed and acknowledged

R. Watkins 

In presence of
John Bartle
Robt Mc Intosh
David Price

(At)

Noel Waddell's
Will.

Alfred.

Vicks

is { Ex. with H. and

Waddell

(88cts)

I, Joel Waddelle of the County of Southampton and State of Virginia being of sound and disposing mind and memory do make and ordain this my last Will and Testament as follow to wit:

- 1st It is my will and desire that my plantation on which I now reside be sold by my Executors hereafter appointed or either of them upon such Credit as they may think advisable and that they apply the proceeds to replacing the money that I may have expended out of the estate of Robert Waddells dec^d in purchasing the same or that I may have expended out of ~~that~~ ^{the} Estate in any other way or whatever part thereof may be due by me to said Estate at the time of my death; If my wife should survive me it is my desire that the above mentioned land be not sold till after her death, but that she be permitted to enjoy the same during this life and also that the house be a home and residence for my daughter Eliza Waddelle during the lifetime of her mother or untill my daughter Eliza shall marry.
- 2nd I bequeath to my son John Waddelle my negro man Andrew & One bed and furniture all of which I have heretofore given him and of which he has now the possession, also I give to my son John my negro man Moses. I also give to my son John my negro woman Aggy and her youngest child Mary on the condition that he pay the sum of Two hundred dollars for the benefit of my daughter Martha L F Chapman & her children in the manner hereinafter to be prescribed.
- 3rd I bequeath to my daughter Dorothy A Berens such property as I have already put into her possession except two beds and furniture which I give to my grandchildren Mary and Joseph A Vick. I also give to my daughter Dorothy A Berens my negro man Adam & my negro woman Sylvia provided she shall within three months after this will shall be proved and recorded release to my Executors the sum of Five hundred and eighty eight dollars out of ~~the~~ ^{any} part of the money coming to her under the Will of Robert Waddells dec^d. But if she shall fail to make the said release as above it is my desire that the money my Executors all the said negroes Sylvia & Adam (Conditionally given to the said Dorothy as above) upon such terms as to them shall seem proper and the proceeds apply as they are herein before directed in relation to the land wherein I now live.
- 4th I bequeath to my daughter Martha L F Chapman during her lifetime my negro man Isaac & also my tract of land in the County of Brunswick the same that I purchased of her husband Alexander Chapman & described in his deed to the of record in the Clerk's Office in said County & at her death it is my will and desire that the said negro man Isaac and the said tract of land be divided as above to my daughter Martha be equally divided between such of her children as may survive her. It is also my Will and desire that the Two hundred dollars to be paid by my son John for the benefit of my daughter Martha and her children be kept at interest by my Executors during the lifetime of my daughter Martha and that the interest arising therefrom be paid annually to my daughter Martha for her support and at her death it is my Will and desire that the said Two hundred dollars be equally divided between such of her children as may survive her. It is also my wish that the negro man Isaac loaned to my daughter Martha shall not go into the possession of my daughter Martha or her husband Alexander during the lifetime of the said Alexander but that the said negro be hired out for his benefit and the money arising from his hire be paid annually to my daughter Martha, and that after the death of said Alexander my daughter Martha be permitted to take the said negro Isaac into her possession;

provided nevertheless that her husband Alexander shall within three months after this
Will shall be proved and recorded release to my executors the sum of five hundred
and sixty five dollars out of his part of the money coming to his wife under the
Will of Robert Watkins dec'd. But if he shall fail to make the said release
as above it is my will and desire that then my executors sell the said tract of
land and the said negro Isaac (conditionally disposed of as above) upon such terms as
to them shall seem proper and the proceeds apply as herein before directed in
relation to my Southampton Land in which I now live. and it is also my will and
desire that the two hundred dollars to be paid by my son John Waddell for the
benefit of my daughter Martha and her children to be applied in the same
manner if the said Alexander fail to make the said release to my executors as above.

5th I give to my daughter Eliza Waddell my negro man Jim and my negro girl
Lydia (daughter of Abby) and also my negro girl Harriet & the future increase of
of the two latter upon the condition that she pay to my two grand children Mary
and Joseph a tick the sum of One hundred and twenty five dollars each (\$125 to
Mary & One hundred and twenty five dollars to Joseph) the said One hundred
and twenty five dollars to be paid to the guardian of my grand children
Mary and Joseph within six months after the proving and recording of this
Will and not before.

6th Such of my Estate be it money or other property as may remain after
replacing all the money that I may have consumed out of Robert Watkins Estate
and discharging the legacies herein given I give and bequeath to my son John Waddell
to have and his heirs forever.

7th I constitute and appoint my son John Waddell & my friend James Rochelle
my executors to this my last Will and testament hereby revoking all ^{and every} other will by
me heretofore made. In Witness whereof I have hereunto set my hand and
Seal the 8th day of March One thousand eight hundred and thirty three.

Signed sealed published
and declared by the said Noel
Waddell the Testator as his last
Will and Testament in the presence
of us who were present at the time
of the signing and sealing thereof.

Noel Waddell

Seal

Teste
Wm A Sparks

Saml P Nicholson

Robert Murray

The words "and towards the payment of my other debts that may be due at the
time of my death" in the first part of the foregoing Will - and the words "paying
all my debts" - in the sixth part of the foregoing Will were erased before the
signing and sealing of the same will by the Testator.

Witness

Teste Wm A Sparks

Robert Murray

Noel Waddell

Added to my Will made this 8th day of March 1833 I will & desire
that twenty yards square should be reserved in my Garden for a family
burialling ground.

Signed sealed & declared before

Wm A Sparks

Saml P Nicholson

Robert Murray

Noel Waddell

Seal

At a Court held for the County of Southampton the 18th day of March 1833
This Last Will and Testament of Noel Waddell dec'd and the Codicil thereto
annexed were proved by the Oaths of Wm A Sparks Samuel P Nicholson and
Robert Murray the Witnesses thereto and Ordered to be recorded. And at
a Court held for the County aforesaid the 20th day of May 1833 On the motion
of John Waddell One of the Executors therein named who made oath well
together with Can Bowers and Clements Rochelle his securities entered into and
acknowledged a Bond in the penalty of Thirty thousand dollars Conditioned
as the Law directs Certificate is granted him for obtaining a probat thereof in
due form. Liberty being recovered for the other Executor to be joined in the
said probat when he thinks fit.

Teste James Rochelle

Copy
Teste L R Edwards