

1853-011

SOUTHAMPTON COUNTY
CHANCERY PAPERS

TOMLIN and Wife et al vs. RICKS' EXECUTOR ^{+ al}
11/1853

other SURNames: Winston,
Wilson,

Tomlin Knife &

v. } Papers

Ricks' Box.

1853 November

Tomlin Yothers
to } Stat. Rules

Picks' Gro.

lark -	\$10.35
shff -	1.00
com -	10.00
Saw for 4	15.75
	38.10

John W. Foulke and his wife Margaret Ann, formerly Winston. Robert W. Wilson and his wife Ann P. formerly Winston. George Winston. Eliza Cornelia Winston. James Winston and Virginia H. William Winston, the two last named infants under the age of twenty one years by John W. Foulke their next friend.

against
Robert Ricks Surg. Gen. of Robert Ricks dec?

1853.

Feb. 10th Summons issued

" Mar. R. sum^o ret^d. Executed. Bill filed. & decree nisi. in Deft.

" Apr. " (1st Monday) Bill taken for confessed.

" " (last Monday) Cause set for hearing.

" May. J. Decree for ~~assessmt~~.

" Nov. Decree final &c.

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Exhibits

Pictz Ex:

1853 March Rules

To the Hon. Judge of the Circuit-Court for the County
of Southampton - In chancery -

Humbly complaining sheweth your complainants John
W. Lomlin, and his wife Eliza Ann Lomlin, formerly Winston,
Robert P. Wilson and his wife Ann P. formerly Winston,
George Winston, Eliza Cornelia Winston, James Winston and
Virginia W., and William Winston, the two last named, in-
fants under the age of twenty one years, by John W. Lomlin
their next friend, that Robert Pichs died: formerly of the
County of Southampton, died some years since, having pre-
viously executed his last will and testament, which was ad-
mitted to probate in the County Court of said County on the
19th September in the year 1839, a true copy of which said will
is herewith filed and prayed to be taken as part of this bill - that
in said will, the testator bequeathed to his two sons, William Pichs
and Edwin Pichs, who afterwards qualified as his Executors,
the sum of two thousand dollars in trust for the benefit of
Mrs. Ann Winston; and directs that the interest on said amount
should be paid to the said Ann Winston annually during her
life, and if she survived her husband, the said sum of \$2000
was given to her unconditionally; but if she died before her hus-
band, the said sum of \$2000 is bequeathed to such children as
she might have at her death, to be equally divided between
them - all of which will appear from said will, a copy of which
is herewith filed - Your complainants state that their mo-
ther the said Ann Winston, the beneficiary above named, died
on the 14th day of May in the year 1830, having survived her
husband, and that she left your complainants, her only chil-
dren and heirs at law, living at her death - that the said Ann
Winston never received the said amt: of \$2000 in her lifetime;
nor did she receive any portion of the interest on said amount
since the year 1843 - and your complainants are advised that they
are entitled to receive from said Executors above named the said
sum of \$2000, together with the interest due them from
the 1st January 1844 to the 14th May 1830, the whole of which on the
day last named, amounts to the sum of \$2768-00 - as will appear

from an account herewith filed and prayed to be taken as part
of this bill (marked A) - Your complainants state that their
mother Ann Winston aforesaid died intestate, and leaving no
debts to be paid, no administration has ever been granted on her
estate, as none was necessary - That Edwin Richards one of the
Executors of the said Robert Richards, has died, and the said William
Robert Richards, the other Executor, has qualified as his administra-
tor - and that said Executor in April in the year 1840, returned
separate accounts of their transactions as Executors aforesaid, in
each of which, there is retained the sum of \$1000, legacy due
Ann Winston

Your complainants further state that they have made
frequent application to ~~William~~ Robert Richards the surviving
Exec: of Robert Richards decd; and admin: of Edwin Richards decd:
the other Exec:, since the death of their mother, to pay over the
amt: in his hands due to them, and that he has invariably re-
fused and neglected to pay the same, which is contrary to justice
and Equity - In consideration of the facts before stated, your
complainants pray that ~~William~~ Robert Richards, surviving
Executor of Robert Richards decd: and administrator of Edwin
Richards decd, the other Executor, be made defendant to this bill
that said defendant answer the premises, and state whether
the facts herein before stated are not strictly true - That
the said defendant may be compelled to pay unto your com-
plainants the amt: in his hands due them, as before stated
and that your Honor will grant them such other and gen-
eral relief as, in justice and equity they may be entitled to
receive - And they well as in duty bound ever pray &c

W. S. Gordonys Atty:
for Complainants

London & others

2 } secure

Richards

Enter this decree

R. H. Baker

May co. '53

Lombard Street

Circuit Court May Term 1853.

Picks Estate

The bill of the Complainants having been taken for confessed at the rules, and the defendant still failing to appear and answer, ~~on motion of the complainants, by leave of the Court~~ ~~the bill is taken for confessed~~. And the cause coming on to be heard on the bill and exhibits filed, was argued by the complainants counsel. On consideration whereof the Court doth adjudge, order and decree, that Robert Picks surviving executor of Robert Picks dead render before a Commissioner of this Court an account of the demand of the Complainants, shewing the amount to which each is entitled. That said Picks also render before said Comr: an account of his transactions as administrator of Edwin Picks, unless he will admit assets of his intestate, in his hands, sufficient to meet the demand of the complainants - which accounts said Comr: is directed to audit, state and report to Court with any matters specially stated deemed pertinent by himself, or which may be required to be so stated by either of the parties.

London & wife &c

29 $\frac{2}{3}$ Copy done

Picks

July 18th 1853

In Southampton Circuit Court, May term, 1853.

John W. Tomlin, and his wife Margaret Ann
formerly Winston, Robert Wilson & his wife
Ann D. formerly Winston & others Plffs }
against

Robert Ricks Surv. exec of R. Ricks Deft }

The bill of the complainants having been
taken for confessed at the rules and the defendant
still failing to appear and answer and the cause
coming on to be heard on the bill and exhibits
filed was argued by the complainants' counsel,
On consideration whereof the Court doth adjudge, order
and decree that Robert Ricks surviving executor of
Robert Ricks dec'd render before a Commissioner of
This Court an account of the demand of the com-
plainants shewing the amount to which each is
entitled. that said Ricks also render before
said Commissioner an account of his transactions
as administrator of Edwin Ricks unless he will
admit assets of his intestate in his hands
sufficient to meet the demand of the Com-
plainants. which accounts said Commissioner
is directed to audit, state and report to Court
with any matter specially stated & deemed per-
tinent by himself or which may be required
to be so stated by either of the parties

At Copy

test,

Wm S. Howard, Clk.

Tombin Lux Lat

U

Rick, 1400.

I consent that the
anchor design may
be Ent^d

Roll Rick

To be entered

Rich^d H Baker

Nov. 6. 1853.

Retain Execution on the
written design in office
Brown & Galt per

sf

1st
Tombin et al

vs

R. Deed

Ricks Exors ✓

This Cause came on this day to be again heard upon the papers formerly read the report of Com Gortman made pursuant to the order of day of May 1853 to which there is no exception

and Defendant of the Plff by their Counsel and the Defendant Ricks the Court doth adjudge order and Decree that the Defendant pay unto unto the Plff Tombin in right of his wife Margaret the sum of \$395.43 with Int on \$285.71 from 14 May 1850 until p^d to George Winton the sum of \$395.43 with Int on \$285.71 part thereof from 14 May 1850 to James Winton the like sum sum of \$395.43 with Int on \$285.71 part thereof from 14 May 1850 till p^d to Robert Atchison in right of his wife John P. formerly Winton the like sum of \$395.43 with Int on \$285.71 part thereof from 14 May 1850 subject to a Credit of \$200 paid on 5 May 1852 to Elizabeth Cornelia Winton, Virginia Henry Winton & to William Winton each the sum of \$395.43 with Int on \$285.71 part thereof from 14 May 1850 till p^d and that the Defl pay the Costs of this Suit.

Tomlin & wife
i 3/4 Court of Vice
Ricks Case

Executed on
Ricks

June 21st 1853
John P. Stone Dep. Shff

The other Parties
not Resident of the
County. " -

John M. Lomlin & wife, Robert Wilson & wife &c- and Robert
Picks Cor: &c-

The above parties are notified, that pur-
-suant to a decree of the Circuit Court for the County of Louisa
-ampton entered at May Term 1853, the undersigned Commissioner
has appointed the 18th day of July next at his office in Jerusalem
for the purpose of taking the several accounts therein di-
-sected - at which time and place the said parties are required
to attend with the necessary evidence

W. S. Goodwyn Corr:

June 1853

✓
Tomlin Esq. & P

= { Sp. Chy.

Ricks Esq. & P

1853 March Rules

Executed

John Pettow

Deputy for

Sam^l Wells Suff.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Robert Ricks* Surviving Executor
of *Robert Ricks* *de^d* and administrator of *Edwin Ricks* *de^d*.

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 *March*
next, to answer a Bill in Chancery exhibited against *him* in the said Court by.

*John W Tomlin and his wife Margaret Ann, Robert W Wilson
and his wife Ann P. George Winston, Eliza Cornelia Winston, James
Winston and Virginia Wth and William Winston the two last
named infants by John W Tomlin their next friend*

And unless ~~shall answer the said Bill within four months thereafter,~~ the Court will take
the same for confessed, and decree accordingly. And this ~~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 *10th* day of *February* 1853, in the
77 year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

R. R. Wilbons

recd.

\$200—

Rec^d of Robert Ricks Esq Two Hundred Dollars in Part
of M^{rs} Ann P. Wilson (formerly Ann^e Winton one of the daughters
of James Winton) share of legacy left by R^{ob} Ricks of
Southampton to M^{rs} Winton for life and at her death to
be divided among her children

^{to}
May 5. 1852

Robert R Wilson
By Jos A Graves his atty

Somerville

i } Cour: Report

Beetle

1853 Aug. 15th

Tomlinson & wife others

vs

Rickes exec: Exr: &c

Commissioners office - July 18th 1853

Pursuant to the decree of the Circuit Court of Southampton, at May Term 1853, the undersigned Comr: submits the following report, showing the amt: due each of the plaintiffs from Robert Rickes, surviving Executor of Robert Rickes decd. and as admr. of Edwin Rickes decd:

May 14th 1850 - Amt: Trust fund due plaintiffs - \$2000-00 -

Amt due J. W. Tomlinson & wife 1/4 \$285.71

" " George Winston " " 285.71

" " Elizabeth Cornelia Winston " " 285.71

" " James Winston " " 285.71

" " Virginia H. Winston " " 285.71

" " William Winston " " 285.71

With interest on the several amounts from May 14th 1850 -

Amt due Robert R. Wilson & wife 1/4 \$285.71

Interest thereon to May 5th 1852 - (7.77.21) 33.92

319.63

Amt paid in part May 5th 1852 - 200-00

Bal due - \$119.63

With but thereon from May 5th 1852 -

The Comr: further reports that the defendant-admr: of Edwin Rickes admits assets of his intestate, in his hands sufficient to meet the demands of the complainants -

Respectfully submitted

W. S. Goodwyn Comr:

The Comr: states specially, at the request of the defendants, that he produced before the Comr: receipts from Ann R. Winston, from which it appears that the whole of the interest due on the trust fund was paid up to the 20th Decr: 1843. Mr. Winston died on the 14th May 1850 - and on that day, the sum of \$768.33 interest was due from the defendant

W. S. Goodwyn Comr.

Comr: fee \$10.00 }

chw: to dep't Comr: }

Off: fee - 30^{cts}

Robert Ricketts

Trunk & side with

E }

Mail

Ricketts

Exhibit (A)

Dr Robert Hicks in ac^t with Ann R Winston

1844	Decr	20	To One Years Interest on my Fathers Legacy of \$2000.00	\$ 120 00				
"	"	"	5 " & 145 days Int on \$120. up to May 14 th 1850			\$ 38 90		
1845	Decr	20	" One Years Interest on my Fathers Legacy of \$2000.00	120 00				
"	"	"	4 " & 145 days Int on \$120 up to May 14 th 1850			31 70		
1846	Decr	20	" One Years Interest on my Fathers Legacy of \$2000.00	120 00				
"	"	"	3 " & 145 days Int on \$120 up to May 14. 1850			24 50		
1847	Decr	20	" One Years Interest on my Fathers Legacy of \$2000.00	120 00				
"	"	"	2 " & 145 days Int on \$120. up to May 14 th 1850			17 30		
1848	Decr	20	" One Years Interest on my Fathers Legacy of \$200.00	120 00				
"	"	"	1 " & 145 days Int on \$120. up to May 14. 1850			10 10		
1849	Decr	20	" One Years Interest on my Fathers Legacy of \$2000.	120 00				
"	"	"	145 days Int on \$120. from Decr 20 th to May 14 th 1850			2 90		
1850	May	14	" 4 Months 24 days Int from Decr 20 th to May 14 th on my Fathers Legacy of \$2000.00	48 00				
Amount of Legacy left Ann R Winston by her Fathers Will to be divided between her Children at her death								
Who are								
Mrs Margaret Ann Tomlin				\$ 395. 43				
George Winston				395. 43				
Mrs Ann D. Wilson				395. 43				
James Winston Jr				395. 43				
Olivia Cornelia Winston				395. 43				
Virginia Henry Winston				395. 43				
William Winston				395. 42				
				\$2768. 00	\$2768 00			
So that Robert Hicks is indebted to each of the above Legatees in the sum of Three Hundred and Ninety five Dollars and forty three Cents on the 14 th day of May 1850 the day of their Mothers death								

The balance due the acct of Interest that would accrue on the several annual installments not paid remaining in his hands, but cannot be lawfully claimed inasmuch as it would be compound interest and should be left to his generosity. Divided into 7 parts would be \$ 17.91 - and in addition to \$395.43

Robert Ricks &

Mill

Sondini &

Exhibit, with B.W.

Ricks' Ex. &

Jan 70/

I Robert Ricks Sen. of the County of Southampton do make this my last Will and testament in manner and form following hereby revoking and annulling all other and former Wills by me heretofore made - All the slaves and other personal estate which my three sons William, Robert and Edwin have heretofore received of me, and of which I have put them in possession. I do hereby give to them respectively.

I give and bequeath unto my son William the following slaves. Henry, Claiborne John the son of Fanny and Olisha the son of Hannah. and two beds and furniture, my table and tea spoons, silver ladle and sugar Tongs.

I give and bequeath to my son Robert the following slaves with their future increase, the two blacksmiths Dick and Billy with the blacksmiths tools, Daniel, Moses, Fanny and her four children to wit. Winston, Spratley, Eliza and Sam. Fanny and her child Belina and old Rhea and two beds with their furniture.

I give and bequeath to my son Edwin the following slaves with their future increase Matt. young Dick, Hannah. and her five children to wit. Jesse, Tom ^{Amos} ~~Moses~~, Nancy and Eady, the still now in use on the plantation and scalding kettle and two beds with their furniture -

I give and bequeath to my daughter Eliza M. Wilson the following slaves with their future increase Nelson and Margaret children of Fanny.

I give and bequeath to my daughter Ann Winston the following slaves with their future increase, until they arrive to twenty one years of age, respectively, Fanny that she is now in possession of Jordan, Lucy and Nelson, children of Fanny and as they respectively arrive to the age of twenty one years. I then give them to my daughter Eliza M. Wilson. I also give and bequeath to my sons William, Robert and Edwin two thousand dollars in trust and for the use of my said daughter Ann Winston during her present married life, they paying to her annually the legal interest thereon, which interest is to be at her own disposal as it is my wish that no part of the principal should be drawn by her so long as she remains the wife of James Winston. In case my said daughter Ann Winston should be left a widow I then give the said two thousand dollars to her absolutely and unconditionally, and in case she should die before her present husband I then give the said two thousand dollars to such children as she may leave

at her death to be equally divided among them.

It is my will and desire and I do hereby direct that the tract of land whereon I now reside (except one half acre thereof including the family burying ground) and all the remainder of my estate of whatsoever kind not herein before given away, be sold by my executors herein after mentioned, and named, or such of them, as may act, upon such credit as they may think proper and that my debts be first paid out of the proceeds thereof, and then the legacy given to my daughter Ann Winston, the balance of the proceeds arising from the sale of my estate which may remain after the payment of my debts and the legacy to my daughter Ann Winston including all debts which may be due me at my death I give to my sons William, Robert and Edwin and my daughter Eliza M. Wilson to be equally divided amongst them. It is my will and desire that my two sons William and Edwin should have and enjoy the privilege of their blacksmiths work being done by the Smiths I have given my son Robert free from charge they furnishing their iron and steel. I nominate, constitute and appoint my sons William, Robert and Edwin Executors to this my last Will and Testament, and I request that my estate may not be appraised, and that my executors may not be required to give security for the performance of this trust.

In Testimony whereof I have hereunto set my hand and affixed my seal this 24th day of October in the year of our Lord 1825.

Signed, sealed, published and declared
by the testator as and for his last Will
and Testament in presence of us

Robt. Ricks sen. (Seal)

A. Middleton

Jer. Cobb.

Richard Ricks.

I Robert Ricks sen. do make this Coroll to my last Will and Testament as follows. The negro girl Eliza and the negro girl Nancy, the former given to Robert Ricks & the latter to Edwin Ricks I hereby give and bequeath to my son William Ricks to him and his heirs forever. Witness my hand and seal this 8th day of February 1830.

Teste

Robt. Ricks sen. (Seal)

Jer. Cobb

Thomas Camp

At a Court held for the County of Southampton on the 19th day of September 1831. This last Will and Testament of Robert Ricks sr. dec^d. was proved by the oath of Abner Middleton and Jeremiah Cobb two of the witnesses thereto and the Codicil thereto annexed was proved by the oath of Jeremiah Cobb and Thomas Camp the witnesses thereto and the said Will and Codicil ordered to be recorded. And on the motion of Robert Ricks jr. and Edwin Ricks two of the Executors therein named who made oath and entered into and acknowledged a bond (the Court requiring no security) in the sum of thirty thousand dollars conditioned as the Law directs. Certificate is granted the said Robert Ricks jr. and Edwin Ricks for obtaining a probat of said Will in due form.

Teste

James Rochelle. Clk

Attest

Teste. L. R. Edwards. Clk