

1856-043 SOUTHAMPTON COUNTY
CHANCERY PAPERS

VICK VS. VICK et al

3/1856

Plat

other surnames: Drake

Vicks

v } Done

Vicks others.

1855. Oct. Done as filed -

1856 Feb. Report.

" Mar. " Confm^d.

Vick
vs $\frac{3}{3}$ Decree
Vick & others

County Court - Oct. term 55

This day this cause came on to be heard on the bill, answer of defendants, replication^{there} to, and was argued by counsel on consideration whereof the Court doth order, adjudge and decree that Robert S. Barnes, Davis Barrett, Wm E. Myrick, Alexander Myrick Miles Story and John Hargrove (any three of whom may act) be and they are hereby appointed commissioners for that purpose - that they allot or assign to Rebecca Vick, (widow of Josiah Vick deceased) one just and equal third in value of the whole real estate of which the said Josiah Vick was seized during his Coverture with the said Rebecca and to which she has never made any relinquishment of her right of dower - the said third to be accepted by her as dower of the real estate of the said Josiah. And the said commissioners so acting are directed to divide the remaining two thirds into four equal shares and allot one of the said four shares to Joel Vick, one to Giles Elbert Vick, one to Ann Meda Drake (wife of William Drake) and the other or remaining share to James Vick (a minor) or to his guardian for his benefit. And the said commissioners are directed to take with them a competent surveyor to assist them in the performance of the duties mentioned in the premises.

And they are directed to report to this Court in order to a final decree.

And the said Court further doth order, adjudge and decree that Robert S. Barnes, Davis Barrett and William E. Myrick (any two of whom may act) be and they are hereby appointed commissioners specially to make a division of the slaves of which the said Josiah Vick

died possessed, justly among his heirs — And it appearing to the Court that the said division can not be conveniently effected, in kind, ~~such~~ division being indeed not practicable among the heirs, after the assignment of the one third in value of the said slaves to the widow of the said Josiah Vick for her life and as her dower, and the said Rebecca Vick (widow of the said Josiah) appearing in Court, in proper person, and desiring that the whole of the said slaves may be sold, and asking the Court to assign to her whatever portion of the sales of the said slaves that may be just and proper, in fee simple, in lieu of her dower — The said Court inspecting the said Rebecca Vick — decree ~~that~~ order that the said Commissioners so acting, shall sell at public auction, for cash or on a credit (as in their judgment may be best) having advertised a sufficient length of time, the whole of the slaves of which the said Josiah Vick died possessed, that after paying the expenses of obtaining and executing this decree, they pay to the said Rebecca Vick one sixth of the net proceeds resulting from such sale in fee simple, in lieu of her dower, ~~and~~ a bond for that amount, if sold on a credit, and that they divide the remaining five sixths into four equal shares, and pay one share to Joel Vick, one to Giles Elbert Vick, one to Ann Meda Drake and her husband William Drake, and the other share to James Vick (a minor) or to his guardian for his benefit — or pay over the bonds in like manner if the slaves should be sold on a credit. But the said Commissioners so acting, ^{with regard to the slaves} are directed to execute in the clerk's office of this County, a bond or bonds in the penalty of \$3000 dollars, conditioned for the faithful performance of the duties herein mentioned, and before proceeding to them.

And the said Commissioners are directed to report to this Court in order to a final decree.

To the worshipful County Court of Southampton County
In Chancery —

Humbly complaining sheweth unto your worships, your complainant and oratrix, Rebecca Vick, that her late husband, Josiah Vick, lately departed this life intestate, leaving seized and possessed, at the time of his death, of certain real estate lying in this County, and of certain negro slaves; and leaving your oratrix and the following four persons (his children) his only heirs, to wit, Joel Vick, Giles Elbert Vick, Ann Meda Drake, and her husband William Drake (those just mentioned being of lawful age) and James Vick (a minor of tender years)

Your oratrix prays that your worships would appoint a sufficient number of proper and discreet and just persons, commissioners, with instructions to assign to her one just third in value of the real estate of which the said Josiah Vick died seized, as of her ~~the~~ said Rebecca's dower — And your oratrix further prays that the Court here presiding would order the said Commissioners to sell at public auction the whole of the negro slaves of which the said Josiah, her husband, died possessed, and that your worships would assign and assign to your oratrix a just and proper portion, in fee simple, of the net proceeds resulting from such sale in ^{and that the balance of the said land & slaves be assigned to the parties above named.} in lieu and place of her dower in the said slaves —

That your worships would compel the parties above mentioned to make a full & perfect answer to the allegations of this bill and make them defendants thereto, — and do all other things necessary in the premises that equity may dictate and the nature of her case may require; — and as in duty bound, she will ever pray &c.

Jno J. Kinard
Att for Rebecca Vick

Separate answer of Joel Vick - Giles, Elliot Vick - Ann
Meda Drake & Wm Drake (her husband) and James Vick
(a minor) who answers by L R Edwards his guardian ad litem,
to a bill filed against them by Rebecca Vick, in the
County Court of Southampton.

These defendants, saving now and
always all advantages, &c that may be taken of the defects
in the said bill &c - say they have no objection to the
granting of the decree prayed for - and having answered
may to be hence dismissed &c.

Yrs I Kindred friend

Vick

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Vick 90

Southampton October Court 1855.

Vicks

Piff

} In Chancery

vs.

Vick & others

Def

This day this cause came on to be heard on the bill, answer of Defendants, replication thereto and was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that Robert I Barnes, Davis Barrett, Wm E Myrick, Alexander Myrick, Miles Story and John Hargrave (any three of whom may act) be and they are hereby appointed Commissioners for that purpose - that they allot or apportion to Rebecca Vick, widow of Josiah Vick deceased) one just and equal third in value of the whole real estate of which the said Josiah Vick was seized during his coverture, with the said Rebecca to which she has never made any relinquishment of her right of dower - the said third to be accepted by her as dower of the real estate of the said Josiah. And the said Commissioners do acting ~~to~~ divide the remaining two thirds into four equal shares and allot one of the said four shares to Josiah Vick, one to Miles Elbert Vick, one to Ann M. Drake wife of William Drake, and the other or remaining share to James Vick a minor or to his guardian for his benefit. And the said Commissioners are directed to take with them a competent Surveyor to assist them in the performance of the duties mentioned in the premises - And they are directed to report to this Court in order to a final decree -

And the Court doth further order, adjudge and decree that Robert I Barnes, Davis Barrett, & William E Myrick any two of whom may act, be and they are hereby appointed Commissioners specially to make a division of the slaves of which the said Josiah Vick died possessed justly among his heirs. And it appearing to the Court that the said division cannot be conveniently effected in kind, such division being indeed not practicable among the heirs, after the apportionment of the one third in value of the said slaves to the widow of the said Josiah Vick for her life and as her dower and the said Rebecca Vick widow of the said Josiah Vick appearing in Court in proper person, and desiring that the whole of the said slaves may be sold, and asking the Court to apportion to her whatever portion of the sales of the said slaves that may be just and proper, in fee simple, in

lien of her dower - the said Court inspecting the said Rebecca Vick - decree and order that the said Commissioners do acting. Shall sell at public ^{auction} for cash or on a credit (as in their judgment may be best) having advertised a sufficient length of time the whole of said slaves of which the said Sarah Vick died possessed, that after paying the expenses of obtaining and executing this decree, they pay to the said Rebecca Vick one sixth of the net proceeds resulting from such sale in fee simple, in lieu of her dower, or bond for that amount, if sold on a credit, and that they divide the remaining five sixths into four equal shares and pay one share to Joel Vick, one to Giles Elbert Vick, one to Ann Mida Drake and her husband William Drake and the other share to James Vick (a minor) or to his guardian for his benefit - or pay over the bonds in like manner if the slaves should be sold on a credit. But the said Commissioners do acting with regard to the slaves are directed to execute in the Clerk's Office of this County a bond or bonds in the penalty of \$3,000 dollars, conditioned for the faithful performance of the duties herein mentioned and before proceeding to them -

And the said Commissioners are directed to report to this Court in order to a final decree.

Attest

Wks for \$4.00.

Juste

L. R. Edwards

Received by L. R. Edwards

1856 Feb. Cont

Agreeably to a Decree of the County Court of Southampton County dated "October Court 1855". We the undersigned Commissioners, in obedience to the requisitions of said Decree, (attended by Tho^{rs} W. Morrell as Surveyor,) have divided the land of Josiah Tick, dec., by laying off to M^{rs} Rebecca Tick the Widow, seventy acres, as her Dower, including the houses where said Josiah Tick resided.

The ballance of the land we have divided into four shares, or lots, which we consider to be equal in value, taking into Consideration M^{rs} Sally Bunn's Dower right in a portion of the said ballance of land; the said shares, or lots of land, were drawn by the distributees as follows; lot No. 1. Containing sixty two & half acres, drawn by James Tick; - lot No. 2, Containing sixty four acres, drawn by William Drake & Annmeda his Wife; - lot No. 3. Containing sixty six & half acres, drawn by Giles E. Tick; - and two lots No. 4. Containing sixty seven and half acres, drawn by Joel Tick, One of which contains sixty two acres; and the other five & half acres; - - - the boundaries and division of said land will appear, by reference to the plot made by said Tho^{rs} W. Morrell, herewith returned ^{made} to the Court, and which we adopt as a part of this our report; - we further state that M^{rs} Sally Bunn, the Widow of Benjamin Bunn, holds the houses, and part of the land drawn by Giles E. Tick, as Dower property during her natural life, also a small portion of the land in the largest lot drawn by Joel Tick. - - -

After giving legal Notice by Advertisements, of the time and place of sale of the Slaves belonging to the Estate of said Josiah Tick, On the 20th day of December 1855, we sold them to the highest bidders on a Credit of six months, the bonds to bear interest from the day of sale, and they were purchased as follows.

Negro woman Fanny.	To Giles E. Tick.	\$291.00
" " Mary & Child Anthony.	William Drake.	400.00
" Girl Martha.	" Joel Tick.	471.00
" boy Bob.	" Rebecca Tick, (widow),	290.00
Amount sales of Slaves.		1452.00
		(Carried over.)

Amount sales of slaves brought over. 1452.00

Amount retained for Commissions. \$43.80

Amt. retained for Jno. J. Kindred Atty. 15.00

" " for L. R. Edwards Clerk. 4.00

62.80
16,1389.20

Widow's Share - 231.53½

1157.66½

Each of the distributees Shares. 289.41½

The purchasers being heirs of said Josiah Vick dec. paid the difference between their purchases, and their shares of the amount sales of said slaves, in Cash, as follows. -

Siles E. Vick's purchase. \$291.00. his share \$289.41½. paid. 1.58½

William Drake's purchase. 400.00. his share 289.41½. paid. 110.58½

Joel Vick's purchase. 471.00 his share 289.41½, paid 181.58½

Rebecca Vick's purchase 290.00 her share 231.53½ paid 58.46½

Amount of Cash received. - 352.22

Out of which sum we have paid Elijah Joyner Guardian
for James Vick 289.41½

paid John J. Kindred Atty. 15.00

paid L. R. Edwards Clerk. 4.00

308.41½

leaving the amount of our Commissions as above. 43.80½

we herewith return the receipts to the Court, for the money we paid to Elijah Joyner, John J. Kindred and L. R. Edwards, as above stated, - all of which we respectfully submit to the Court; given under Our hands this day of 1856. - - - - -

Robt. P. Barnes
Davis Barrett
Wm. E. Myrick

Boundaries of the land
of Josiah Tick dee.

1856 Fily land

Boundaries of the land of Josiah Tick dec. to wit, beginning at a corner for John Hargrave, in Samuel Tick's line, thence along said Samuel Tick's line N. 48° W. 32 poles to a pine; thence N. 46° W. 8 poles to a maple; thence N. 53° W. 10 poles to a dead pine; thence N. 47° W. 44 poles to a pine; thence N. 50½° W. 24 poles to a pine; thence N. 53½° W. 17 poles to the road; thence along the road N. 20° E. 54 poles to a corner for Edward Beaton; thence along his line S. 85½° W. 144 poles to a pine a corner for Jacob Porter; thence his line, along a Ditch, S. 43¼° W. 53 poles, to a pine thence S. 41° W. 13½ poles to a pine; thence S. 44° W. 33 poles to a pine stump, a corner for said Porter in Selah Ellsworth's heirs line; thence along said Ellsworth's line S. 27° E. 7½ poles to a small pine; thence S. 37½° E. 4½ poles to a maple; thence N. 82° E. 29½ poles to a corner near a small pine; thence S. 26° E. 8 poles to a pine; thence S. 34° E. 14 poles to a red oak & pine stump; thence N. 72° E. 11½ poles to two pines, a corner for John Harrell; thence along his line N. 76° E. 11 poles to a pine; thence N. 68° E. 8 poles to a maple; thence N. 74½° E. 17 poles to a dead oak in a branch; thence down the run of said branch to the road; thence along the road S. 22½° W. 46 poles to a corner for said Harrell; thence S. 87° W. 50 poles to a pine, a corner in said Ellsworth's heirs line; thence along said Ellsworth's line S. 1½° E. 24½ poles to a dead pine; thence N. 72° E. 28¾ poles to a post oak; thence S. 55° E. 8 poles to the road, at Ellsworth's and Richard E. Story's corner; thence along Story's line, S. 57½° E. 30 poles to a pine; thence S. 42° E. 36 poles to a pine a corner; thence S. 51° W. 32 poles to a pine; thence S. 56½° W. 12¼ poles to a corner for Penny Backus; thence along her line S. 40½° E. 18½ poles to a pine; thence S. 43° E. 17½ poles to a post, a corner for said Penny Backus in Henry J. Kelving line; thence along his line, N. 55½° E. 20 poles to a pine stump; thence N. 58½° E. 19 poles to an oak stump; thence N. 63° E. 17 poles to a pine; thence N. 60° E. 19 poles to a pine; thence S. 61° E. 34 poles to a post oak; thence S. 56½° E. 27¼ poles to a pine, a corner for John Hargrave and others; thence along his line N. 44° E. 52½ poles to a sweet gum standing on the old pond dam; thence up the pond branch by line trees to a black gum at the fork of the branch; thence up the Northern prong of the branch to a sweet gum; thence N. 27° E. 83 poles to the beginning. - Containing 330½ acres.

Thos. B. Morell

October, 1855.

Plot and division of the
Land of Josiah Tick, dec.,

1856 F. G. G. G.

E. Joyner, Guardian.

To & Receipt

Commissioners.

\$289.41³/₄

1855. December 24th. Received by the hands of Robert
S. Barnes one of the Commissioners appointed by a Decree
of the County Court of Southampton County, to sell
the slaves of Josiah Tick, dec'd, the sum of two
hundred and eighty nine dollars, forty one and $\frac{3}{4}$ Cents,
in full of James Ticks share of the nett proceeds
of the sales of said slaves.
Witness. \$ 289: 41 $\frac{3}{4}$. Elijah Joyner Guardian

Received of Robert S. Barnes one of the Com-
missioners appointed to divide the land & sell the
slaves belonging to the estate of Josiah Hick deceased
fifteen dollars in full for returning the said decree
which was granted by the County Court October term 1855

January 21st 1856

Geo I. Kinard
attor at Law

KNOW ALL MEN BY THESE PRESENTS, That we *Robert S Barnes*
Davis Barrett Wm E Myrick Alex Myrick & Tho B Worrell

are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of
thru them and _____ Dollars, for the
payment of which, well and truly to be made, we bind ourselves, our and each of our
heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this *19* day of *November*, 185*5*

The Condition of the above Obligation is such, That whereas the above bound

Rob S Barnes Davis Barrett & Wm E Myrick

has by a Decree of *the County Court of Southampton*

pronounced on the

day of *October*

185*5*, in

a cause therein pending wherein *Vick*

Plaintiff and *Vick &c*

Defendant,

been appointed Commissioner to make sale of certain *personal* Estate in
the said cause described.—Now if the said *Barnes Barrett & Myrick*

shall faithfully discharge *their* duties as such

Commissioner under said decree, then this obligation to be void, else to remain in full
force and virtue.

Signed, Sealed, and delivered }
in presence of

Robert S Barnes



Davis Barrett



Wm E Myrick



Alex Myrick

Tho B Worrell

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