

1859-027

SOUTHAMPTON COUNTY
CHANCERY PAPERS

VICK

VS. VICK et al

9/1859

436.
Vick, Bill, answers
v 3 & Dean
Vick to them

1858 Nov Decree filed

1859 Jan. Report.

" Feby " Confm.

" Aug. Report

" Sept " Confm."

To the Worshipful County Court of
Southampton County: In chancery sitting.
Nov. term 1858.

Humbly complaining sheweth unto your
worsships your complainant Andreas J. Vick
that his father James Vick departed this
life intestate some years ago, leaving as his
heirs and distributees at law, a widow Melilah
Vick, and six children to wit, your complainant,
James B. Joseph D. Jeph E. William H. and John M. Vick.
My four last mentioned are ^{under the age of twenty years} ~~and~~ ^{and} ~~under the age of twenty years~~
That Melilah Vick his widow qualified as his
administrator at law. That he left considerable
personal and real estate, and that it has all
remained in the possession of his widow ever since
his death - That no dower has been allotted to his
widow, and her proportion of his slaves have not been
allotted to her - your complainant desires that this
shall be done, and that the balance of his real estate
and slaves shall be divided amongst those entitled,
and if it cannot be divided in kind that the land
and slaves may be sold for that purpose. That
he was possessed of one tract containing 487 acres & another 100
acres - that the shares of each child would out were \$300.
And he thinks it would be impossible to divide it in kind without
injury to the interests of the several parties.
as your complainant is without remedy save in
this worshipful court it is prayed that Melilah
Vick in her own right and as administrator
of James Vick dec'd James B. Joseph D. Jeph E.
William H. and John M. Vick,
be made parties defendants to this bill, and

Answer the allegations thereof - That a guardian
ad litem may be assigned the infant defendants
that your worships will appoint commissioners to allot
to Melilah Vick widow of James Vick dec^d. one third
part of the land and slaves of which her late
husband James Vick died seized and possessed,
during her life, and that the balance may be divided
amongst those entitled, and if that cannot be done
without a sale, that they be sold for that purpose.
That your worships will decree such further & general
relief as equity may dictate, and the nature of his
case may require & they will ever pray &c.

Cobb p. 9

The answer of Melilah Vick in her own right and as
administrator of James Vick dec^d. to the foregoing
bill - This defendant saving & says that she
believes the facts as stated in said bill to be true, and has no
objection to the decree prayed for & having answered prayer
to be hence dismissed with costs -

Melilah Vick by
W. Cobb atty.

The answer of James B. Vick to the foregoing bill.
This defendant saving & says that he has no
objection to the decree prayed for &

James B. Vick
by W. Cobb atty.

The answer of Joseph B. Vick & John M. Vick
by Joseph B. Vick their guardian ad litem.

These defendants saving & say that being infants
they submit their interests to the care & protection
of this honorable Court & J. B. Vick Guardian ad litem

Andrew J. Vick

Melilah Vick in her own right and as administrator
of James Vick dec^d. James B. Vick, Joseph

This day this cause came on to be heard ^{by consent of parties} on the
bill, answers thereto, and general applications, and was
argued by Council, on consideration whereof the
Court doth adjudge, order and decree that Thomas
J. Preston, John Cobb, Joseph B. Vick and Joseph E. Gillette
(any three of whom may act) who are appointed Commissioners
for the purpose, allot to Melilah Vick ^{during her natural life} one third part
of the real estate and slaves ^{having regard to quantity and value} of which her late husband
James Vick died seized and possessed, and ~~that they~~
divide the balance of the said slaves equally between
Andrew J., James B., Joseph B., Joseph E., William H.
and John M. Vick, and make report to this Court.
The Court doth further adjudge, order and decree that
Andrew J. Vick, who is appointed a Commissioner for
the purpose, after having given at least twenty days
public notice of the time and place of sale, sell to
the highest bidder ^{except as much as may be necessary to defray the expenses} on a credit of twelve months ^{of this term and said sale}. The
balance of the real estate of which James Vick
died seized, which shall not be allotted to his widow
or dower - That he see the said real estate in
separate parcels - That he see in one parcel, the
tract known as the "home tract", and in the other
the tract known as the Joyner tract - That he take
six bonds from each purchaser with good security
bearing interest from their date, and pay them

equally to Andrew J. James B. J. E. Joseph B. William H. and John M. Vick, and that he retain the title to the said land until the purchase money is paid, and make report of his proceedings to this Court.

But the said Andrew J. Vick shall not execute this decree until he shall give bond in the clerk's office of this Court in the penalty of \$2000. payable to the Commonwealth of Virginia and conditioned for the faithful performance of his trust under this decree.

Vick

= { Rep.

Vick

1854 Jan 6.

Pursuant to an order of the Court of Southampton County we the undersigned Commis-
sioners proceeded on the 4th day of December
1858 to divide the land and Negroes belonging
to the estate of the late James Vick, dec.
giving to the widow of said dec. One third
in value of the land and Negroes of said
Estate, (to the best of their ability -)

The portion of land allotted to said Widow in-
cludes all the buildings, the line running
straight through the farm just beyond the
lot on the north side, designated by marked
trees at each extremity of said line, on the bound-
ary line, giving to the widow all the land on
the south side of said line, including all the
buildings as aforesaid

The Negroes were divided as follows. To the
widow were allotted Stephen, Isham, Suckey,
Gilly Tom & Jacob, and she is to pay to
each of the Children Five Dollars and
fifty five cents (\$5 $\frac{55}{100}$) in Cash -

To Andrew J. Negro Boy (Wiley, he being reg-
-ired to ^{pay} \$177 $\frac{78}{100}$

To James B. Negro Girl Manick he being reg-
-ired to pay \$227 $\frac{78}{100}$ -

To Joseph D. Negro Boy Bob. he is to pay \$177 $\frac{78}{100}$

To Geo. E. Boy Frank he is to receive \$322 $\frac{22}{100}$

To William H. Man Archer he is to receive \$172 $\frac{22}{100}$

To John M. Man Ned, he is to receive \$22 $\frac{22}{100}$

All of which is respectfully Submitted
This the 17th day of January 1859 -

The aforesaid slaves could not be equal-
ly divided without selling one or more
of them which was not desired by the
heirs. Therefore the commissioners made
the foregoing division of them - which meets
their wishes -

T. J. Pettow
J. E. Giltner
Jesse B. Vick
J. H. Cobb

Vick

n } Rept.

Vick

1889. Aug. 15:

Vick,
vs Vick & others.

In obedience to a decree of the County Court of Southampton County, rendered in the above suit at November term 1858. The undersigned appointed a Commissioner for the purpose after having given more than twenty days public notice of the time and place of sale. Sold to the highest bidder on the premises the real Estate of which James Vick died seized and possessed, except that which was allotted to his widow as dower. That he sold the "home tract" for \$1000. and that George W. Vick, was the purchaser. That the tract known as the "Joyner tract" was sold for \$155. and that Jeremiah Shappell became the purchaser. That after paying the expenses of this decree amounting to \$47.10 he took bonds from the purchasers according to said decree for the balance and paid them over to the parties entitled under said decree.

Respectfully submitted
Andrew J. Vick.
11

Vick

v } Gene. Bond

Vicks

Know all men by these presents, that we, Andrew J Vick Jo. E Gillette

are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum
of One Thousand _____ Dollars current money of Virginia to the
payment whereof well and truly to be made, we bind ourselves, our heirs, executors,
and administrators jointly and severally, firmly by these presents, Sealed with
our Seals, and dated, this _____ day of _____ A.D. 1858.

The Condition of the above obligation is such, that if the above bound
Andrew J Vick as Commissioner in the suit of Vick vs. Vicks & others appointed by a decree
rendered of the Supreme Court 1858. for certain purposes therein expressed

shall faithfully discharge the duties of his said office or trust according to law,
then the above obligation to be void, or else to remain in full force and virtue
Signed Sealed (and delivered)
in the presence of the Court 3

Andrew J Vick Seal
J. B. Vick Seal
J. E. Gillette Seal