1862-007 SOUTHAMPTON COUNTY CHANCERY PAPERS STEPHENSON vs. STEPHENSON et al

S/1862

~~32~~ ~~77~~ 33.

Stephenson

v. } Papers.

Stephenson

1862 May

Stephenson

v } Stat. Rules

Stephensons

In Southampton Circuit Court.

Augustus J Stephenson Pefft

against

Levi W Stephenson. Harrison L. Murdock L. John W & Tiberius G Stephenson Dfts

1859 Feby 22d Summons issued retble to March Rules

" March R. Sums ret'd Executed on all the Defts except T. G. Stephenson he non resident.
Cont'd for bill

" Apl " Bill filed. L R Edwards assigned Gdn ad litem to the infant Defts John W & Tiberius G Stephenson. Answrs of Defts & Resp. to ans of infants.

" " " (Last Monday) Cause set for hearing on bill. answrs &c

" May T. Decree d°

" Oct 17 Report.

" Nov T. Decree confirm'd & for sale

" Dec 19 Rept.

1860 Nov Decree as filed &c

1861 May 2. Report

1862 May T. Decree to deliver bond

Stephenson
v 3 Bill
Stephenson et als

1859 April Rules

To the Honorable Richard H. Baker judge
of the Circuit Court of Southampton County.
April Rules, 1859.

Humbly complaining sheweth unto your
honor your complainant Augustus J. Stephenson
that Allen Stephenson of Southampton County
sometime ago departed this life intestate
and leaving as his heirs at law his children
viz your complainant, Levi H. Harrison L.
Murdock L., John H. and Tiberius G. Stephenson.
That all of them are of age except the last
two mentioned above — That the said Allen Stephenson
was seized at the time of his death of three tracts
of land all situate in Southampton County —
That one tract contains five hundred acres and
is valued at $300, another contains three hundred
and fifty acres and is valued at $1000, and the other
tract contains one hundred and fifty acres and
valued at $400 — Your complainant desires that
the said tracts of land should be divided amongst the said
Children, but will state that he believes that the
interests of all the heirs will be promoted by a
sale instead of a partition in kind — That if the
said tracts should be divided it would give to each
but a small quantity in number of acres, and that
its value would in consequence be much diminished.
That all those that are of age desire that it
should be sold instead of being divided.
In tender consideration of the premises and

is as much as your Complainant is without
remedy save in a Court of Equity. it is prayed
that Levi W., Harrison L., Murdock L. John
W. and Tiberius G. Stephenson be made parties
defendants to this bill - That a Guardian ad
litem be appointed for the infant defendants
who with the other defendants shall make true
answer to all the allegations of this bill -
That your honor will decree a partition of
the various tracts of land of which Allen
Stephenson died seized, or if that is impracticable
or cannot be done without injury to the interests
of the parties interested, that your honor will decree
a sale thereof, and a division of the proceeds of
said sale amongst the parties intitled, and
that your honor will decree such further
and general relief in the premises as equity
may dictate, and the nature of his case
may require, & he will ever pray &

Cobb & C.

Stephenson
v.
Stephenson

Petition of John C.
Boyd in adm'r of
Tiberius G. Stephenson
dec'd

1862 May 2?

To the Hon Richard H. Baker judge of the Circuit of Southampton County.
May term 1862.

The undersigned represents to your honor that since the last decree rendered in this cause Tiberius G. Stephenson an infant and one of the parties in the suit in chancery therein depending departed this life, and at the term of the County Court of Southampton he qualified as his committee at Law — That the property which has come into his possession as such is amply sufficient to pay all his debts — Your petitioner is advised that Wm. W. Cobb the Commissioner appointed by a decree of your court at Nov. term 1861 to collect the bonds arising from the sale of the land of Allen Stephenson dec'd., has collected all of the said bonds and paid over to the parties entitled their respective proportions except the proportion of the said Tiberius G. Stephenson — Your petitioner prays that the proportion of the said Tiberius G. Stephenson dec'd. may be paid over to him for distribution amongst the parties entitled thereto, & he will ever pray &c.

John P. Boykin
adm'r. of T. G. Stephenson

Stephenson

v

Stephenson et als.

Answer of Levi H.
Harrison Jr. and
Murdock L. Stephenson.

1859 April Rules

To the Hon. Richard H. Baker judge of the Circuit Court of Southampton. April Rules, 1859

The joint & separate answer of Levi W. Harrison L. and Murdock L. Stephenson to a bill exhibited against them and others in this honorable court by Augustus J. Stephenson —

These defendants saving & reserving to themselves all benefit of just exception to said bill, answer and say, that they believe the facts stated in said bill to be true, and that they have no objection to the decree prayed for — They deem it further to state that they believe it would be to the interest of all parties that the land of which Allen Stephenson died seized should be sold for a division. Having answered pray to be hence dismissed &c

by Wm Cabell their attorney —

Stephenson

v.

Stephenson et als.

Answer of John W. and Tiberius G. Stephenson by L. N. Edwards their Guardian ad litem.

1859 April Rules

To the Hon. Richard H. Baker judge of the Circuit Court of Southampton County. April Rules. 1859.

The joint & Separate answer of John W. and Tiberius G. Stephenson infants by L. R. Edwards their guardian ad litem

These defendants having & reserving to themselves all benefit of just exception to said bill, answer and say, that being infants they are advised that they cannot bind themselves by any answer they may make, and they therefore submit their interests to the care and protection of this honorable Court, and leaving answer pray to be hence dismissed

L. R. Edwards Gen. P.

Stephenson
v. 3 Recm
Stephenson & Others

May court 1859.
To be entered
R. H. Baker

Stephenson

v

Stephenson & Others

This cause came on this day to be heard on the bill, answers of the adult defendants Levi W. Harrison L. and Murdock L. Stephenson, and of the infant defendants John W. and Tiberius G. Stephenson by L. R. Edwards their guardian ad litem, general replication thereto, and was argued by Counsel, on consideration whereof the Court doth adjudge, order and decree that Alfred T. Stephenson, Thomas J. Binter Samuel B. Ellis and Milton D. Butler, who are hereby appointed Commissioners for the purpose, any three of whom may act having being first duly sworn, proceed to make partition of the land in the proceedings mentioned in kind equal parts having regard to quantity and quality, and assign one of said parts to the plaintiff and one of said parts to each of the defendants, Children of the said Allen Stephenson deceased, and if partition cannot be conveniently made the said Commissioners or such of them as may act are required to ascertain whether the entire subject may be allotted to any one of the parties who will accept the same and pay therefor to the other parties such sums of money as their interest therein may entitle them to receive, or if the interest of the parties will be promoted by a sale of the entire subject or allotment of part and sale of residue then the said Commissioners will act and report accordingly, and in either case will report the absolute and annual value of the said real estate. And the said Commissioners are directed to report their proceedings to the Court and any other matter deemed pertinent by themselves or required by the parties

Stephenson

v. Copy Deed

Stephenson

May 1859

Southampton Circuit Court May 4th 1859.

Augustus J Stephenson. Pltff.

against.

Levi W Stephenson. Harrison L. Murdock L. John W & Tiberius G. Stephenson Defts

This cause came on this day to be heard on the bill, answer of the adult defendants Levi W. Harrison L and Murdock L. Stephenson and of the infant defendants John W and Tiberius G Stephenson by L R Edwards their guardian ad litem, general replication thereto and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that Alfred T. Stephenson, Thomas J Brister, Samuel B Kello and Milton D. Butler, who are hereby appointed Commissioners for the purpose, any three of whom may act, having been first duly Sworn, proceed to make partition of the land in the proceedings mentioned in six equal parts, having regard to quantity and quality, and assign one of said parts to the plaintiff and one of said parts to each of the Defendants, children of the said Allen Stephenson deceased - and if partition cannot be conveniently made, the said Commissioners or such of them as may act are required to ascertain whether the entire subject may be allotted to any one of the parties who will accept the same and pay therefor to the other parties such sums of money as their interest therein may entitle them to receive, or if the interest of the parties will be promoted by a sale of the entire subject or allotment of part and sale of the residue, then the said Commissioners will act and report accordingly, and in either case will report the absolute and annual value of the said real estate - And the said Commissioners are directed to report their proceedings to the Court and any other matter deemed pertinent by themselves or required by the parties.

A Copy

Teste L R Edwards clk

Stephenson

v 3 Decrees

Stephenson & others

Nov.r Court 1859.

To be entered.

R. H. Baker

1859 November Term

[redacted]

v

[redacted] et als

This cause came on this day to be again heard on the papers formerly read and upon the report of Milton B. Ruth, Wm. H. Foster and Alfred J. Stephenson, three of the Commissioners under the decree of May term 1859, to which report there is no exception and was argued by Counsel for the plaintiff; On Consideration whereof, the Court confirming the said report, doth adjudge, order and decree that Wm. M. Cobb, who is appointed a Commissioner for the purpose, do proceed after having advertised the time and place of sale at one or more public places in the neighbourhood of said land, and also posted notice thereof at the door of the Court house of Southampton County, on some Court day previous to the day of sale, sell on the premises to the highest bidder, the real estate in the bill and proceedings mentioned, of which Allen J. Stephenson died seized and possessed, consisting of three tracts, one containing about five hundred acres, another three hundred and fifty acres, and the other tract one hundred and fifty acres, (the said tracts to be sold seperately as recommended in the report of the aforesaid Commissioners), On a credit of twelve months, (except so much as may be necessary to defray the expenses of this suit and said sale which shall be for cash), And that he take bonds with good personal security for the balance, bearing interest from this date, and retain the title until the further order of this Court. And that the

said Commissioner return said bond to this Court with his report of his proceedings under this decree, But the said Wm. P. Cobb shall not proceed to execute this decree until he shall execute bond in the clerk's office of this Court in the penalty of $5.000, payable to the Commonwealth of Virginia, and conditioned for the faithful performance of his duty under this decree.

Stephenson

vs Moses Deere

Stephenson's

Nov. Term 1859

Southampton Circuit Court, November 9th 1859.

Augustus J. Stephenson, Plff:

against

Levi M. Stephenson, Harrison L. Murdock & al.
John W. & Tiberius G. Stephenson Defts:

This cause came on this day to be again heard on the papers formerly read and report of Milton D. Beuller, Thos. J. Bristow and Alfred J. Stephenson three of the Commissioners under the decree of May term 1859, to which report there is no exception and was argued by Counsel for the plaintiff. On consideration whereof the Court confirming said report doth adjudge, order and decree that Wm. M. Cobb who is appointed a Commissioner for the purpose, do proceed, after having advertized the time and place of sale at one or more public places in the neighbourhood of said land, and also posted notice thereof at the door of the Courthouse of Southampton County on some Court day previous to the day of sale, sell on the premises to the highest bidder, the real estate in the bill (and proceedings mentioned, of which Allen Stephenson died seized and possessed consisting of three tracts one containing about five hundred acres, another three hundred and fifty acres (and the other four hundred and fifty acres (the said tracts to be sold separately as recommended in the report of the aforesaid Commissioners) on a credit of twelve months (except so much as may be necessary to defray the expenses of this decree and said sale which shall be for cash) And that he take bonds with good personal security for the balance bearing interest from their date (and retain the title until the further order of this Court. and that the said Commissioner return said bonds to this Court with his report of his proceedings under this Decree.

But the said Wm. M. Cobb shall not proceed to execute this decree until he shall execute bond in the Clerk's office of this Court in the penalty of $5000. payable to the Commonwealth of Virginia and conditioned for the faithful performance of his trust under this decree

and

and any subsequent decree that may be entered in this cause.

A Copy

Henry L. Howard, D.C.

Home tract	500 acres	Levi W. Stephenson	$2175
Stephenson	350 "	Thos Stephenson	$590
Shields	150 "	Marriott Stephenson	$250

Stephenson

v 3 Dem

Stephenson & Others

Nov. Term 1860

To be entered

R. H. Baker

Stephenson

&

Stephenson & others

Decree

This day this Cause came on to be again heard on the papers formerly read and on the report of Commissioner Cobb made in pursuance of a decree rendered in this cause at Octr. term 1859, to which report no exceptions have been filed and the Court confirming the same doth adjudge, order and decree that the clerk of this Court deliver to Wm. W. Cobb who is appointed a Commissioner for the purpose, the bonds returned by him with his report to this Court, and that he collect the same when due, and after paying the expenses of this decree, pay one sixth of the balance to Augustus J. Stephenson, one sixth to Levi H. Stephenson, one sixth to Harrison L. Stephenson, one sixth To Murdock L. Stephenson, one sixth to John P. Boykin guardian to John H. Stephenson and the remaining sixth to Augustus J. Stephenson Guardian to Tiberius G. Stephenson, and that on the payment of the said bonds that the said Wm. W. Cobb Commissioner as aforesaid execute to the several parties deeds with special warranty for the lands respectively purchased by them under a former decree in this cause, and that he make report of all his proceedings to this Court in order to a final decree - But the said John P. Boykin and Augustus J. Stephenson Guardians as aforesaid shall not receive the said amounts from the said Wm. W. Cobb Commissioner as aforesaid until they shall respectively execute bonds with sufficient security in the clerks office of this Court payable to the Commonwealth of Virginia in the penalty of $1000. each conditioned faithfully to account for all monies received by them under this decree as said guardians.

Stephenson

vs Hoopy Deem

Stephenson's

Nov. Term 1860

Southampton Circuit Court, November Term 1860.

Augustus J. Stephenson Plaintiff

against

Levi W. Stephenson, Harrison L. Murdock L.,
John W. & Tiberius G. Stephenson Defendants

This day this cause came on to be again heard on the papers formerly read and on the report of Commissioner Cobb made in pursuance of a decree rendered in this cause at November Term 1859, to which report no exceptions have been filed and the Court confirming the same, doth adjudge, order and decree that the Clerk of this Court deliver to Wm. W. Cobb, who is appointed a Commissioner for the purpose the bonds returned by him with his report to this Court, and that he collect the same when due, and after paying expenses of this decree, pay one sixth of the balance to Augustus J. Stephenson, One sixth to Levi W. Stephenson, One Sixth to Harrison L. Stephenson, One Sixth to Murdock L. Stephenson, One Sixth to John D. Boykin guardian of John W. Stephenson and the remaining Sixth to Augustus J. Stephenson guardian to Tiberius G. Stephenson, and that on the payment of the said bonds that the said Wm. W. Cobb, Commissioner as aforesaid execute to the several parties deeds with special warranty for the lands respectively purchased by them under a former decree in this cause. And that he make a report of all his proceedings to this Court in order to a final decree. But the said John D. Boykin and Augustus J. Stephenson guardians as aforesaid shall not receive the said amounts from the said Wm. W. Cobb, Commissioner as aforesaid until they shall respectively execute bonds with sufficient security in the Clerks office of this Court payable to the Commonwealth of Virginia in the penalty of $1000.00 each conditioned faithfully to account for all monies received by them under this decree as said guardians.

Mosby

Henry J. Howard, D.C.

Stephenson

vs B Mann

Stephenson

May Term 1862

To be Entered

R. H. Baxter

Stephenson

v 3

Stephenson

This day this cause came on to be
again heard on the papers formerly read
and on the report of Commissioner Cobb
made in pursuance of a decree entered
in this cause at Nov term 1860, to which
report no exceptions have been filed, and on
the petition of John P. Boykin admr of Tiberius
G. Stephenson decd and on consideration
whereof, the court confirming the report of
Commissioner Cobb, by consent of the plaintiff
by counsel, doth adjudge, order & decree
that the clerk of this court deliver to ~~[illegible]~~
~~who is appointed a commissioner for the purpose, the~~
~~bond of Levi H. Stephenson returned by him with~~
~~his report, that he collect the same and pay~~
~~the proceeds over to John P. Boykin admr~~
~~of Tiberius G. Stephenson decd, and that he~~
~~make report to this court of his proceedings~~
~~[illegible]~~

John P. Boykin as the administrator of Tiberius
G. Stephenson decd the bond of Levi H. Stephenson
~~then~~ returned by Commissioner Cobb to this court with
this last report and that the said John P.
Boykin admr as aforesaid pay the costs of this cause.

Stephenson

vs } Chy.

Stephenson &c

1859 March Rules.

Executed
March 31st 1859. on
Levi W Stephenson,
Harrison L Stephenson
Murdock L & Jno W
Stephenson, by delivering
each of them a copy.
J B B Stephenson not
a resident of my County

B W Vick Dep'y
for Wm W Briggs Sh'ff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON Levi W Stephenson: Harrison L Stephenson, Murdock L. Stephenson John W Stephenson & J. B. G. Stephenson

to appear at the Clerk's office of our Circuit Court of Southampton County, 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 them in our said Court by

Augustus J Stephenson

and have then and there this writ. *Witness*, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 22 day of February 1859, in the 83 year of the Commonwealth.

L R Edwards dsb

Stephenson
v. Ex Rep.
Stephenson

1859 Oct. 17

The undersigned Commissioners appointed by the Circuit Court of Southampton County to report the absolute & annual value of the real Estate of Allen Stephenson decd. and to partition the same among the several Legatees. if it could be conveniently done we beg leave to make the following report.

We the said Commissioners. after being duly sworn proceeded to examine into the condition of said real Estate. and consider its absolute value to be three thousand dollars. and its annual value to be one hundred and fifty: and believe that it will be to the interest of the Legatees. to sell the same and would recommend that it be sold in three separate parts or parcels. in manner and form following 1st the home tract. 2d the Burnett Stephenson & Elliott Brantley tracts and 3d the Shields and Windham tracts. All of which is respectfully submitted

They also state that none of the Legatees are willing to take the whole lot or tract at the valuation but

Thos L. Bristow

Milton D. Butts

Alfred J. Stephenson

D. Thomson
&
D. Thomson

Commissioners Report

1859 Dec. 19

To the Circuit Court of Southampton County.

The undersigned appointed a Commissioner by a decree of the Circuit Court of Southampton County rendered at May term 1859 in the suit therein depending of Stephenson v Stephenson, to make sale of the real estate of which Allen Stephenson died seized and possessed, beg. leave to make the following report. He reports that after having notice of the time and place as required by said decree he proceeded on the 12th day of Dec 1859, on the premises to sell the several tracts of land of which Allen Stephenson died seized and possessed at public auction, That Levi W. Stephenson became the purchaser of the "Home tract" at the sum of $2175.00; Thomas Stephenson became the purchaser of the Stephenson tract at the sum of $590.00, and Murdock L. Stephenson became the purchaser of the Shield's Tract at the sum of $255 — That after receiving in cash the sum of $84.40 sufficient to defray the expenses of said sale and decree he took bonds with approved security for the balance of the purchase money payable twelve months after date and bearing interest from the day of sale, and that he retained the title to the said land until the further order of the Court. The said bonds are herewith returned —

Wm W. Cobb Comr

Clerk — $10.
Commissions — 69.40
$84.40

Jany 21 1861 – Rec'd. of J. N Edwards clerk
Bond returned with report –

Howell Cobb

In obedience to a decree of the Circuit Court of Southampton County rendered at Nov^r Term 1866, in the suit of Stephenson v Stephenson the undersigned commissioner appointed for the purpose has begs leave to make the following report— That he has collected bonds of Murdock L. Stephenson and Thos. Stephenson, and the sum of $1750.83 in part of the bond of Leri W. Stephenson, and that he has paid all of the parties entitled under said decree as will be seen by their receipts herewith filed except the part due to Tiberius G. Stephenson an infant who has departed this life since the last Term of this Court — that the part of the bond due by Leri W. Stephenson and still uncollected is the proportion due to Tiberius G. Stephenson — Your Commissioner was in doubt to whom ~~it ought~~ he should pay his proportion, and therefore decided to submit it to the future order of the Court — The bond of Leri W. Stephenson is also returned — He begs leave to submit the following statement of the amounts rec^d and paid out —

By amt collected of Leri W Stephenson	$1750.83
" " " " Thos. Stephenson	611.78
" " " " Murdock L. Stephenson	259.84
	$2622.45

To paid Harrison L. Stephenson, Murdock L. Stephenson, Leri W. Stephenson, A. J. Stephenson and John P. Boykin Guardian to John W. Stephenson, $524.48 3/6 each — $2622.45

Respectfully submitted
Wm. H. Cobb, Comr

1862 Dec 18 Rec.d of the Clerk Southampton Circuit Court the bond of Levi W Stephenson & others returned with their report under a decree of the Court of May Term 1862.

John D Baughan

Stephenson
v
Stephenson

Comm's Report

1861
May 3 Rec.d

Mr W. W. Cobb

Dear Sir Please pay to John D. Gayden
the Bond for my Section of Sale of the Lands belong-
ing to the Estate of Colin Stephenson dec'd
February 4th 1860

A. J. McTyeire

On Demand, for value, I promise to pay unto A. J. STEPHENSON, the just and full sum of .....

Dollars and ..... Cents, for Value Received. As witness my hand and seal, this ..... day of ..... 186 .

Witness :

SEAL

Feby 18th 1861 Recd of Wm L Cobb Comr the sum of $524.48 cash in full of the amount directed to be paid to me by a decree of the Circuit Court of Southampton County rendered in the suit of Stephenson v Stephenson & others -

Harrison L Stephenson

Mordecai L. Stephenson

Levi W Stephenson

Feby 18th 1861. Recd. of Wm L Cobb Comr the sum of $524.48 due to John W Stephenson and also the same sum due to Levi J Stephenson under a decree of the Circuit Court of Southampton County in the suit of Stephenson v Stephenson at Nov Term 1860

John W Boyklin

Stephanum

⁊ ʒ Com. Lond.

Stephanum

Know all Men by these Presents, That We Wm W. Cobb Jno Cobb & Wm H Nicholson

are held firmly bound unto the Commonwealth of Virginia, in the just and full sum of Five 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 21st day of November A. D., 1859

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound Wm W. Cobb Commissioner appointed by a decree of the Circuit Court of Southampton County in a Suit in Chancery therein pending between Augustus J Stephenson Pltff: and Levi W Stephenson & others Defts pronounced on the 2nd day of September 1859 for certain purposes therein mentioned, shall faithfully perform the duties of his trust under the said decree and any subsequent decree that may be made in the said Cause

~~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.
Clerks Office
In presence of
S R Edwards Clk

Wm W. Cobb {SEAL}

Jno Cobb {SEAL}

Wm H Nicholson {SEAL}

{SEAL}

Stephenson

& 3 Gons Bond

Stephenson Pr

Know all men by these presents that we John P. Boykin, Harrison L. Stephenson & Levi W. Stephenson are held and firmly bound unto The Commonwealth of Virginia in the just and full sum of One thousand dollars. to which payment 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 18th day of February 1861

The Condition of the above obligation is such that if the above bound John P. Boykin as guardian of John W Stephenson shall faithfully account for all monies received or which may be received by him as such Guardian under a decree of the Circuit Court of Southampton County rendered on the 8th day of November 1860 in a Suit in Chancery depending in said Court between Augustus J Stephenson Plaintiff and Levi W. Stephenson & others Defendants. and in all things shall faithfully discharge the duties of his trust under the said decree, then the above obligation to be void or else to remain in full force and virtue.

John P Boykin (Seal)
H L Stephenson (Seal)
Levi W Stephenson (Seal)

Southampton Circuit Court Clerks Office the 18th day of February 1861
The above bond was acknowledged by the Obligors thereto before me Clerk of the Court aforesaid and Harrison L. Stephenson & Levi W. Stephenson the Securities therein made oath that their estates after the payment of their debts are worth the sum of One thousand dollars the penalty of the said bond as they verily believe.

Henry S. Howard, D. C.