

1863. 02

Southampton Co. Chancery

Ugubart, Charles, et al vs Ugubart, Mary et al

(Estate Settlement)

Anselm B Ugubart
James B Ugubart
John Lander

A

Louisa Ugubart
Fanny Ugubart
Ada Ugubart
(Thomas Ugubart)
Fanny Ugubart
Margaret Ugubart
Burgess Ugubart
Stephen Ugubart
(Whitwell H. Ugubart)
Ex parte

~~54~~ ~~43~~ 44

Urquhart's

or 3 Papers

Urquhart's

Colt

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16 00

11 27 32

To the Hon. Richard H Baker, Judge of the Circuit Court of
Southampton County - In Chancery sitting

Humbly complaining sheweth unto
your Honor, your Complainants Charles F. Mergers,
Asaiah B Mergers, James B Mergers, John Good,
That some years ago, one Alfred W Bailey executed to James
B Mergers as Trustee a deed conveying real estate lying in
this County (a copy of which deed is herewith filed as an exhibit)
to secure a debt due to one John Mergers - That the
said Alfred W Bailey, James B Mergers, and John Mergers
have all departed this life - That the sole heir of Alfred
W Bailey was one Everett Bailey, who has since died
without issue - That Charles F Mergers is executor
of James B Mergers, and Asaiah B Mergers is executor
of John Mergers' deed - That subsequent to the death of
the said John Mergers, the said James B Mergers, Trustee as
aforesaid, exposed to sale at public auction the
said land, and that Asaiah B Mergers bid it in, thinking
that it was selling at a sacrifice - no deed was ever made
in him - That the parties now interested in this land
are your Complainants, Mary Mergers widow of
R. A Mergers, Ada Mergers, Thomas Bumpers
and Stephen Mergers children of R. A Mergers
decd, Fanny Mergers widow of Whitwell H Mergers
decd, & Whitwell H Mergers infant son of Whitwell H
Mergers decd, Louisa Mergers widow of James B
Mergers decd, Fanny & Margaret Mergers, children
of James B Mergers decd, all heirs of John
Mergers decd - Your Complainants would state
that as a division would be impracticable
as the amount of land is small not more than
100 acres, they desire that this Court appoint
some one to sell the said land, and divide the
the proceeds among equally among those entitled

and to execute to the purchaser a deed for the same. The said land is an undivided interest in the "Level Green Tract" adjoining the lands of Robert Pullow -

In under consideration of the premises, and in as much as your complainants are without remedy save in this honorable court; it is prayed that Mary Mergers widow of the Mergers dead, Louisa Mergers widow of James B Mergers dead, Nancy Mergers widow of Whitwell H Mergers dead, Ada Mergers Thomas, Mary, Margaret, George, Stephen, & Whitwell the Mergers infants, be made parties defendants to this bill, and required to answer the allegations thereof. That your Honor will appoint a Commission to sell the said land, divide the purchase money between the parties entitled, and execute a deed to the purchaser, and that your Honor will grant such further and special relief, as equity may dictate, and as in duty found. They will ever pray
Pullow, P. R.

1863. September 18th
Pullow

Mergers &
or
Mergers & Bill

Pailley
to G. L. L. Seed
Urquhart's trustee

This Indenture made and entered into this 24
day of August in the year of our Lord One thousand Eight
hundred and thirty two, between Alfred S. Bailey of
Sunny County - of the first part - James B. Urquhart - County
of the second part - and John Urquhart - of the said County
of Southampton of the third part. Witnesseth that the
said Alfred S. Bailey for and in consideration of the sum
of two hundred and eighty - dollars, which said sum is
justly due from the said Alfred S. Bailey, to the said John
Urquhart by bond bearing date on the 24 day of August
One thousand Eight hundred and thirty two as well
as all other moneys which may be due and owing
from said Alfred S. Bailey to the said John Urquhart
by means of any dealing, transfer of debt, or paper
conveyance as also for and in consideration of the sum
of one dollar to him in hand paid by the said
James B. Urquhart, the receipt whereof the said
Alfred S. Bailey doth hereby acknowledge,
both granted, bargained and sold, and by these
presents doth hereby grant, bargain and sell
convey and make over unto the said James
B. Urquhart and his heirs forever, all his right
and interest in the following property, to wit: Two
negro boys, named Parker & Dawson, also all the
right & title that I have in my father's
estate of every description as well as the interest
that I shall here after have in the Drwa
Est. Now in the possession of Sarah Bailey
widow of Edw. S. Bailey deceased belonging to him
the said Alfred S. Bailey. To have and to
hold with all right and interest of the said
Alfred S. Bailey herein conveyed or intended
to be conveyed to him the said James B.
Urquhart his heirs & assigns forever, Upon
(This)

this special trust-nevertheless that the said James B. Mughant upon being thereto required by the aforesaid John Mughant shall proceed to sell all the right and interest of the said Alfred S. Bailey to the above mentioned property hereby conveyed or intended to be conveyed after advertising the time and place in the said County of Perry for ten days at some public house or store for cash. And out of the money arising from or out of the said sale in the first place pay and satisfy all debts attending the said sale as well as all the expenses attending the said conveyance. And then pay off the bond aforesaid with int. as well as all other monies which may appear to be justly due and owing from said Alfred S. Bailey to the said John Mughant by means of any dealings, transfer of debts or paper whatsoever, and the surplus if any pay to the said Alfred S. Bailey. And the said Alfred S. Bailey for himself his heirs executors and assigns the right and title to all the above mentioned property and the said James B. Mughant his heirs and assigns forever with hereby warrant and defend against the lawful claims or claims of him the said Alfred S. Bailey his heirs executors and assigns and against all and every other person or persons whatsoever. And the said James B. Mughant on his part covenants and agrees that he will make sale of the right and interest hereby conveyed for the best price he can attain for the same after advertising the time and

place for ten days previous at some public house or store in the said County of Perry and with the monies arising from the sale first pay and satisfy all debts attending the same as well as the expenses attending this conveyance and then pay off the aforesaid bond with interest as well as all other monies which may appear to the said James B. Mughant to be justly due and owing from the said James Alfred S. Bailey to the said John Mughant by means of any dealings, transfer of debts or paper whatsoever, and then pay the surplus if any to the said Alfred S. Bailey. And the said John Mughant on his part covenants and agrees that he will release the said property hereby conveyed from the obligation of this incumbrance upon the said Alfred S. Bailey paying to him the amount of the aforesaid bond and int. as well as all other monies which may be justly due and owing to him from the said Alfred S. Bailey by means of any dealings, transfer of debts or paper whatsoever. In Witness whereof the parties to these presents have hereunto set their hands & seals the day and year first above written.

Signer sealed & delivered
in presence of
Robt. Peltow
Kinchen Edwards
James B. Mughant

A. S. Bailey
Jas. B. Mughant
Jas. Mughant

In Survey County Court Clerk's Office to wit -
I do certify that this deed from Alfred S. Bailey
(To)

to James B. Argubhart, trustee for John
Argubhart, was formed before me on the
27th day of August 1832, by the oath of
Robert Dutton a subscribing witness and
continua. I do further certify that on the
28th day of August 1832, the said Deed
was fully formed before me by the oaths
of Richard Edwards & James H. Perkins two
other subscribing witnesses to said Deed
and thereupon admission is recording him
under my hand as Clerk of ~~the~~ Court
of said County the date above mentioned.
Exam. & delima

J. B. Argubhart } - A Copy

Walter S. Booth CLK

Test J. S. Lindwood D.C.

Urquhart's

to { Sum. Chgo

Urquhart's

1863 September Rules

Entered on Mary Urquhart,
 Louisa Urquhart,
 Fanny Urquhart, & John
 Urquhart - Sept. 4/1863 by
 delivering to each a copy,

S. Keller Off

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, — GREETING.

WE COMMAND YOU TO SUMMON *Mary Urquhart widow of R A Urquhart dec'd
Louisa Urquhart widow of James B. Urquhart dec'd. Fanny Urquhart widow of
Whitwell A. Urquhart dec'd. Ada Urquhart. Thomas, Fanny, Margaret, Burger Stephen
& Whitwell B. Urquhart. infants*

to appear ~~before~~ *at* the *Clerks Office* of our *beicant* Court of Southampton County, at the
~~Court House, on the~~ *day of* ~~Term~~ *to testify and the*

~~truth to say on behalf of~~ *Rules to be holden for the said Court on the first Monday
in September instanc to answer a bill in Chancery exhibited against them in
our said Court by Charles F. Urquhart & others*

~~In a certain matter of controversy in our said Court depending and undetermined between~~

~~Plaintiff and~~
~~Defendant and~~

have then there this writ. Witness, *LITTLETON R. EDWARDS*, Clerk of our said Court, at the Court House,
this *1st* day of *September* 186*8*, in the *88th* year of the Commonwealth.

SR Edwards Clk

Mentari
as
Mentari { Deen

No. 100. Co. 1867

To be entered

R. H. Baker

Mugulari
" } Deane
Mugulari

This case this day came on to
be heard on a bill of the Plaintiff. Taken for
compensation as to the defendant, an exhibit, and was
argued by counsel. And the Plaintiff
failing to further prosecute this suit,
the Court doth order that the same be
dismissed

6.43
 111
 72
 106

 19.32
 2.00

Urquhart's

to } Stat. Rules

Urquhart's

Colk.
 Shiff
 Law. &

19.32
 2.00
 16.00

 \$27.32

11.32
 106

 10.26

In Southampton Circuit Court.

Charles F. Urquhart, Anselm B. Urquhart, James B. Urquhart, John Goode.
against

Mary Urquhart widow of R. A. Urquhart dec'd Louisa Urquhart widow of James B. Urquhart dec'd Fanny Urquhart widow of Whitmell St. Urquhart dec'd Ada Urquhart, Thomas, Fanny, Margaret, Burges Stephen & Whitmell St. Urquhart infants.

1863 Sept 1st Summons issued returnable to September Rules

" " R. Sum. ret^d Executed on Mary Urquhart, Louisa Urquhart, Fanny Urquhart & Ada Urquhart. Bill filed. Dues nisi & Dfts on whom Sum. executed.

" Oct. R. Bill taken for confessed as to Dfts. Mary, Louisa, Fanny & Ada Urquhart

" Oct. Last Monday m. Cause set for hearing as to Dfts. Mary, Louisa, Fanny & Ada Urquhart.

1867. Nov. Dismissed