1867-013 SOUTHAMPTON COUNTY CHANCERY PAPERS

RIDLEY vs. RIDLEY et al

2/1867

513

Robt Ridley

vs.

M. J. Ridley & others

Bill

1866 Aug 6th Decree filed

" Oct Report & amended decree

1867 Jany Report.

" Feby " confirmed

Costs suspended

To The worshipful, the Justices of the County Court of Southampton, in Chancery sitting -

The bill of complaint of your orator, Robt Ridley, respectfully represents that his father, Robt Ridley, was in his life-time, seized & possessed of certain real estate lying in the County of Southampton & being so seized & possessed, some time in the year 1852, he departed this life, leaving your orator, Mary J. Ridley, Norfleet B. Ridley & Sallie A. Ridley his only children & heirs at law, that Mary J. Ridley, Norfleet B. Ridley & Sallie A. Ridley are infants under the age of twenty-one years. That said Robt Ridley did, by his last will & testament, direct that his children, as they respectively arrived at the age of twenty-one years or marry, shall have an equal portion of his whole estate, allotted & assigned to them. That, by order of this worshipful County Court, commissioners duly appointed, have allotted & assigned, to your orator, as his portion, one fourth of all the real estate of which his said father died seized & possessed, save & except that portion known as the Mill Tract, consisting of the grist-mill across the Angelica Creek & ____ acres of land thereto attached, the same being bounded by the lands belonging to F. J. Ridley & to William Judkins, which said tract the said commissioners, finding that they cannot divide it in kind, (as will fully appear by report of record in the clerk's office, a copy of which is herewith filed marked "A" & to which your orator would refer) recommend that it shall be sold & that the proceeds of such sale shall be equally divided between said children. And your orator further states that the said tract of land, known as the Mill Tract not being

susceptible of partition among the parties entitled thereto, he desires the same to be sold & the proceeds of such sale to be distributed among the parties, in proportion to their respective interests.

In tender consideration & for as much as your orator is remediless, save by a Court of Equity in the premises, where matters of the kind are only & properly cognizable, your orator prays that the said M. J. Ridley, N. B. Ridley & L. A. Ridley be made parties defendant to this bill & be compelled to answer its several allegations, by guardian ad litem appointed by the Court. That your worships will make a decree compelling a sale of said tract of land, the grist-mill & its appurtenances & a distribution of the proceeds of said sale among those entitled according to their respective rights. Grant the Commonwealth's writ of subpoena commanding &c & all such further aid & relief as equity & good conscience may dictate & the nature of the case may require, & your orator will ever pray—

J. W. Urquhart p. q.

Answer of
Infant defendants

1866 Aug 6th

The answer of Mary E. Ridley, Norfleet B. Ridley & Sallie A. Ridley, infants under the age of twenty-one years, by their guardian ad litem, to a bill of complaint exhibited against them, in the county court of Southampton, by Robt Ridley. And the said Respondents, for answer thereunto, answer & say that they are infants under the age of twenty-one & by reason of their tender years cannot be presumed to know their rights in the premises, they therefore submit them to the protection of the court—

Mary E. Ridley
Norfleet B. Ridley
Sallie A. Ridley
by
L R Edwards
guardian ad litem

R. Ridley

vs

M. L. Ridley & others

Decree

Submitted Aug. 1866

Sturgus Cain Atty

1866 Aug. 6.

Ridley
Ridley

In Chancery

This day came the plaintiff & filed his bill & on his motion, the Court doth appoint L. E. Edwards guardian ad litem to the infant defendants to defend their interests in this suit & thereupon the said guardian ad litem filed the answer of the said infant defendants to the bill of the said plaintiffs & by consent of the parties, the adult by counsel & the infants by guardian ad litem, the cause is set down for hearing & by like consent the same came on, this day to be heard on the bill of the plaintiff, the answer of the infant defendants & the report of Wm Urquhart, E. Stevens & Jas Portlock, Three of the commissioners appointed by order of this court at Oct. term 1865 to allot & assign to Robt Ridley his portion of his father's estate, which report is now of record in the Clerk's office of the county, a copy of which is herewith filed & was argued by counsel. On consideration whereof the court doth adjudge, order & decree, that Wm Urquhart, one of the commissioners, do proceed after having advertised the time, place & terms of sale, by posting notice thereof at one or more public places in the county, on the premises & at the door of the Court-house of Southampton county on some court-day previous to the day of sale, to sell the real estate in the bill & proceedings mentioned of which Robt Ridley died seized & possessed consisting of the grist-mill across the Angelica Creek & ____ acres of land thereto attached & bounded by the lands belonging to F. D. Ridley & to Wm Judkins

at public auction, in front of the door of the court-house of the County of Southampton, on some court-day, upon the following terms, to wit; one half cash & the residue on a credit of ~~two~~ six months from the day of sale, the credit instalment to bear interest from the day of sale; taking from the purchaser, a bond with good security, for the deferred payment & the title to be retained until the further order of the Court.

~~And the said commissioner is required to report his proceedings~~ under this decree, to the court—

And the said commissioner is required before proceeding to execute this decree, to execute in the clerks office of this court, bond with sufficient security in the penalty of five hundred dollars, conditioned for the faithful performance of his duties— And the said commissioner is required to report his proceedings, under this decree, to the court—

Ausgeschrieben

Ausgeschrieben

Southampton August Court 1866

Robt. Ridley Pltff:

against In Chancery

Mary T. Ridley, Norflet B Ridley & Sallie A Ridley Defts:

This day came the plaintiff and filed his bill and on his motion the Court doth appoint L R Edwards guardian ad litem to the infant defendants to defend their interest in this suit and thereupon the said guardian filed the answer of the said infants Defendants to the bill of the said plaintiff & by consent of the parties, the adult by Counsel and the infants by guardian ad litem, the cause is set down for hearing on the bill and by like consent, the same came on this day, to be heard on the bill of the plaintiff the answer of the infant defendants and the report of Wm Urquhart, E. Nelms & Ro. Rowland three of the Commissioners appointed by order of this Court at its October Term 1865, to allot & assign to Robt. Ridley his portion of his fathers estate, which report is now of record in the Clerks Office of the County a copy of which is herewith filed, & was argued by Counsel On consideration whereof the Court doth adjudge, order & decree, that Wm Urquhart, one of the Commissioners do proceed, after having advertised the time, place & terms of Sale, by posting notice thereof at one or more public places in the County, on the premises and at the door of the Court house of Southampton County on some Court-day previous to the day of Sale, to Sell the real estate in the bill & proceedings mentioned of which Robt. Ridley died seized & possessed, consisting of the grist mill across the Angelica Creek & 3 & 5 acres of land thereto attached & bounded by the lands belonging to F. T. Ridley & to Wm Jenkins at public auction, in front of the door of the Court-house of the County of Southampton, on some Court-day, upon the following terms, to wit. One half cash, and the residue on a credit of twelve months from the day of Sale, the credit installment to bear interest from the day of Sale; taking from the purchaser a bond with good Security for the deferred payment and the title to be retained until the further order of the Court.

And the said Commissioner is required before proceeding to execute this decree to execute in the Clerks Office of this Court, bond with Sufficient Security in the penalty of five hundred dollars, conditioned for the faithful performance of his duties. And the said Commissioner is required to report his proceedings under this decree to the Court.

Clks Costs $5.00

A Copy

Test L R Edwards C

Ridley

v Dowse

Ridley

1866 Oct 6th.

Robt Ridley
vs
M. J. Ridley & others

In Chancery

This cause came on this day further to be heard upon the papers formerly read & the report of sale made by Wm Urquhart one of the Commissioners pursuant to the decretal order of ___ day of August last, to which there is no exception & was argued by counsel - On consideration whereof, the Court approving & confirming said report, doth adjudge & decree order That upon payment by B. C. Waller, the purchaser, of the sum of one hundred & sixty dollars, for the purchase of the land & the premises directed to be sold by said decretal order, the said commissioner convey to the said B. C. Waller, with special warranty, the said grist-mill & lands - And further that said commissioner, after paying the costs of suit, fees, commissions, pay the one fourth of the remainder to Robt Ridley ~~& the remaining three fourths to Thos Ridley Guard^n of M. J. Ridley~~ A. B. Ridley & S. A. Ridley, the one fourth to the proper guard^n of M. J. Ridley, the one fourth to the proper guardian of A. B. Ridley & the one fourth to the proper guard^n of S. A. Ridley - & return receipts to Court -

Ridley

v } Repp

Ridley

1866 Oct 6th.

The undersigned Commissioner, in obedience to an
a decree, of Southampton County Court, August term, in the case of
Robt Ridley vs M. J. Ridley & others, ordering the sale of
the grist-mill & ___ acres of land thereto attached, belong-
-ing to the estate of Robt Ridley dec'd, begs leave to report
that he has this day (Oct. 15th/66) sold the said property
for the sum of ($106) one hundred & six dollars; which the
purchaser is anxious to pay cash, & to get a deed to
the property.

Wm Ingraham Com'r

Rider

vs

Rider + others

Commissioners Report

1867 Jany 21st.

The undersigned commissioner, appointed by Southampton County Court, at its August Term, to sell the grist-mill & land attached, belonging to the estate of Robt Ridley dec'd, begs leave to report that, the purchase-money ($106.00) having been all paid, he has made a deed to the purchaser Benj. C. Walker, as directed by the Court - and that after deducting the commission of 5 per ct & paying the clerk's & auctioneer's fee, & revenue tax ($1.00), in all amounting to twelve dollars, he has paid one fourth of the remainder to Robt Ridley, the complainant, & the other three fourths to Thos Ridley the proper guardian of Mary E. Ridley, Norfleet B. Ridley, & Sallie A. Ridley, as directed by a decree of Southampton County Court at its October Term - as will appear from the following statement & the accompanying receipts —

Commissions $5.00, clerk's fees $5.00, stamps $.00, auctioneer's fee $1.00, to Robt Ridley $23.00, to Thos Ridley Gdn $70.00 —

Respectfully submitted — Wm Ingehart Comr.

Report of Division of
Robert Ridleys Est.

1866. July 6th.

Recorded in Deed Book

Page 298

We, the undersigned Commissioners, appointed by the County Court of Southampton County, at its October Term 1865, to allot & set apart, to Robert Ridley, the one fourth part of all the property belonging to the estate of his father Robert Ridley, beg leave to report as follows. Having placed a fair valuation upon the property, we have set apart, as the portion of said Robert Ridley, the tract of land, known as "Rock Spring", the residence of his late father, (for boundaries of which reference is made to deeds from John Wright to Major Thos Ridley & from Jos. B. Barham to Robert Ridley, & recorded in the Clerks Office of Southampton County,) & in addition thereto, a tract (portion of that known as the "Creek Place") containing six hundred acres more or less & bounded as follows, to wit; beginning at a cypress where the Jones' Bridge road crosses Westbrooks mill-swamp, running a south course along the Jones' Bridge road, to a sweet-gum in Col. Blows line; thence a south-east course along Blows line to a sweet-gum, corner of Blows land; thence, continuing along Blows line, to a red-oak, a new corner, for R. Ridley, in Blows line; thence S. 75° E. across the Warden Field, a new line between R. Ridley & Estate of R. Ridley dec'd, to a birch (corner on the Three Creeks); thence down said creek to a white-oak, corner at the mouth of West-brooks mill-swamp; thence, up the swamp to the place of beginning. We have further set apart, for said Robert Ridley, eight horses & mules, twenty-four head of cattle, sixteen sheep, seventy-two hogs; all the farming implements on the Rock-Spring Tract, (2) two horse-carts, one

wagon, one ox-cart, one cotton-gin - the carpenters, coopers & blacksmiths tools; five-hundred feet of timber (already cut) for plantation purposes, timber for twenty-five barrels & for twenty kegs - thirty-two stacks of blade-fodder, Three hundred barrels of corn, ten bushels of white peas, twenty bushels of black peas, six bales of cotton, eight barrels of brandy, nine thousand pounds of bacon, eight kegs of lard; fourteen silver tea-spoons & twelve table spoons; three beds -

As regards the mill property belonging to the Estate, being unable to make a division in kind, we would suggest that it be sold & the proceeds of the sale divided as required by the will of Robt Ridley dec'd -

Elijah Selms
Wm Urquhart
Robt Rowland

Southampton County Court July 16th 1866.
The Commissioners appointed to allot & set apart to Robert Ridley one fourth of all the property belonging to the estate of his father Robert Ridley this day made a report which is ordered to be recorded.

Teste

L. R. Edwards Clk

Ridley

v } Comrs. lond

Ridleys

Know all men by these presents that we William Urquhart & Robt. Ridley

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Five hundred 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 17 day of September A.D. 1866

The Condition of the above obligation is such that if the above bound William Urquhart Commissioner appointed by a decree of the County Court of Southampton County entered on the 21st day of August 1866 in a Suit in Chancery therein pending between Robert Ridley pltff & Mary T. Ridley & others Defts. for purposes in said decree 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 & virtue.

Signed Sealed and delivered
in the presence of the Court

Wm Urquhart (Seal)
R. Ridley (Seal)
(Seal)
(Seal)

Southampton County In the Clerks Office the 17 day of September 1866

This bond was acknowledged by Wm Urquhart & R. Ridley

the obligors therein named and R. Ridley the securities

made oath that his estate after the payment of all his just debts is worth the

Sum of Five hundred Dollars the penalty of the said bond as he verily believes.

S R Edwards