1867-019 SOUTHAMPTON COUNTY CHANCERY PAPERS WORRELL VS. WORRELL et al 1/1867

See 1867-015

other surnames: Vick

546

Margaret Worrell

vs

Wm D. Worrell & others

Decree &c

1866. Aug. Decree as filed &c

Sur report filed in case No 545

To the Worshipful County Court of Southampton County - In Chancery -

Humbly Complaining Sheweth unto your worships your Complainant Margaret Worrell that her husband James G. Worrell lately departed this life intestate, about the year 1862, seized and possessed, at the time of his death of certain real estate lying in this County containing by estimation four hundred and five hundred acres - that the said James G. Worrell left as his only heirs at law your complainant his widow and five children, viz: Wm. J. Worrell Ira Worrell (who has intermarried with Elias Worrell, Evaline (who has intermarried with Thomas Vick) Judith J. Worrell and George T. Worrell - the two latter infants -

Your Complainant is advised that she is entitled to dower of all the real estate of which her said husband died so seized -

The balance, after the allotment of dower belong in equal shares, to the said children of the said James G. Worrell -

Your Complainant suggest to your worships the propriety of ordering a division of the remainder after allotment of the said dower, among the said children -

In tender consideration of all which premises to the end that justice may be done & your Complainant is without remedy save in a Court of Equity -

Your Complainant prays that the said William J. Worrell, Elias & Ira (his wife) Worrell, Thomas Vick & Evaline his wife, Judith J. Worrell and George T. Worrell (the two latter by some proper

herein to defend them, prays defendant to
this bill —
That you will appoint Commissioners to
divide the real estate in the bill mentioned
according to law and equity, and the rights
of the parties — and grant such other and
general relief as equity may dictate and
the nature of the case may require —
Will ever pray &c —
May it please the Court &c —
Kindred pq

The joint and several answer of
Wm I. Worrell Elias Worrell & Ira (his wife) Thomas
Vick & Evaline (his wife) Judith I. Worrell &
George T. Worrell (the two latter by LR Edwards
their guardian ad litem to a bill filed
against them by Margaret Worrell —

These defendants for answer say —
That they ~~have no objection~~ admit the allega-
tions of the said bill — that they have no ob-
jection to the decree prayed for —
and having answered pray to be hence dis-
missed with their cost &c ~~the~~
The said infants submit their interests to the
protection of the Court. —

Kindred
pq

Margaret Worrell — Plaintiff
vs
Wm I. Worrell & others — Defendants

Decree

This Cause coming this day decided by
leave of Court and Consent of parties ~~and~~ by
the Counsel Came on to be heard on the bill the
answer of the defendants such application thereto
and was argued by Counsel — On Consideration
whereof the Court doth adjudge, order and
decree that James I. Darden, Thomas B. Wor-
rell, Robert S. Barnes, David Barrett and
George C Pope, who are hereby appointed Commis-
sioners for the purpose (any three of whom may act)
~~divide~~ allott and assign to Margaret Worrell
(widow of James G. Worrell deceased) one just third
in value of the whole of the real estate of which
the said James G Worrell died seized and possessed, lying
in the County of Southampton, ~~as her dower —~~ and
~~Quarantine~~ of two or more tracts or parcels of
land, as her, the said Margaret's dower —
And the said Commissioners are further ordered
to divide ~~the residue~~ the balance of the said real estate in
equal shares between the children of the said
James G Worrell ~~so far as~~ to wit Wm I. Worrell
Ira Worrell (wife of Elias Worrell) Evaline Vick
(wife of Thomas Vick) Judith I. Worrell and George T.
Worrell and allott or assign one share to each
of them — or that they divide the balance of the
said real estate among the said children, so far only
as they or either of them may desire the same to be
done or as they, the said Commissioners may consider
equity and the interests of the parties may be pro-

noted by such division —

Or if the said Commissioners Consider a division in kind ~~impracticable~~ among the said Children impracticable or ~~disadvantageous~~ disadvantageous to the interests of the parties than a sale of the whole subject matter or a division of a portion and a sale of a portion and report accordingly to this Court assigning their reasons at length for such opinion —

The said Commissioners are authorized to employ the services of a Competent Surveyor at the Cost of the estate of the said James L Worrell —

The said Commissioners are ordered to report to this Court in order to a further decree in

Worrell & Co.

v } Co: Dreer

Worrell & Co.

Southampton August Court 1866

Margaret Worrell

against

Wm J Worrell, Elias Worrell & Ira his wife, Thomas Vick & Evaline his wife, Judith J Worrell, George T. Worrell, the two latter by L.R. Edwards the guardian ad litem

This cause was this day docketed by leave of Court and consent of parties, and the Court having appointed L R Edwards guardian ad litem to the infant defendants, by like consent came on to be heard on the bill, the answer of the defendants with replication thereto and was argued by Counsel On consideration whereof the Court doth adjudge, order and decree that James J Darden, Thomas B. Worrell, Robert L Barnes, Davis Barrett and George C Pope who are hereby appointed Commissioners for the purpose (any three of whom may act) allot and assign to Margaret Worrell (widow of James G Worrell deceased) one just third ~~part~~ in value of the whole of the real estate of which the said James G Worrell died seized and possessed, lying in the County of Southampton and consisting of two or more tracts or parcels of land, as her the said Margaret's dower.

And the said Commissioners are further ordered to divide the balance of the said real estate in equal shares between the children of the said James G Worrell, to wit. Wm J Worrell, Ira Worrell (wife of Elias Worrell), Evaline Vick (wife of Thomas Vick) Judith J Worrell and George T Worrell, and allot or assign one share to each of them - or that they divide the balance of the said real estate among the said children so far only as they, or either of them may desire the same to be done, or as they, the said Commissioners may consider equity and the interest of the parties may be promoted by such division - Or if the said Commissioners consider a division in kind among the said children impracticable or less advantageous to the interest of the parties than a sale of the whole subject matter would be or a division of a portion and a sale of a portion - that they report accordingly to this Court, assigning their reasons at length for such opinion

The said Commissioners are authorized to employ the services of a competent Surveyor at the cost of the estate of the said James G Worrell - The said Commissioners are ordered to report to this Court in order to a further decree -

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Teste L R Edwards CC