

1871-049

SOUTHAMPTON COUNTY
CHANCERY PAPERS

de BORDINAIVE

VS. LANKFORD v ux
6/1871

other surnames; DeBordinaive
DeBerdinaive, Lankferd,
DeBeedenave, Debainave
DeBordenave

De Bordenave &c

by

Laurford &c

Decree

To be entered

J. G. W. Magahart
Judge

1870 Aug. Decree as filed

1871 June. - Benefit of homestead
exemption waived by De Bordenave &
Security of

" June. Decree final

To the Hon Joseph W. Urganhart
Judge of the County Court of Southampton

Humbly Complaining ^{eth} unto
your honor your oratrix Martha DeBordinaire
wife of Fulgence DeBordinaire ^{of the said County}, the said Oratrix
Quering by her said husband as next friend,
and respectfully represents as follows;
that William Lankford, ^{late} departed this life
seized and possessed of considerable real
and personal estate, and having previously
executed his last will and testament,
which was duly admitted to record in the
Honorable Court at the last (July) term
thereof, and a copy of the same is herewith
filed (marked A) as part of this Bill —

By the said will, and testament the
said Lankford, ^{the said testator} bequeathed and devised
one half of his entire estate, real & personal
to your said oratrix, for life, remainder
to others therein mentioned; and the other
half of his said estate to Martha Lank-
ford, wife of Menalcas Lankford, in fee —

Your oratrix is desirous of having a di-
vision of the real estate in the ^{said} will mentioned
and asks that Discreet and proper persons
may be appointed for that purpose; And
that some proper, discreet & responsible per-

One may be appointed by this Court as
Trustee for the said Martha DeBordinaire
— that the said Martha Sanford &
Menalcus Sanford, her husband, may
be made parties defendant to this
Bill & required to answer specially &
& that the Court may do ~~and~~ order
all other things generally necessary &
proper as equity may dictate or the
nature of the case may require —
& as in duty bound, your Complainers
'will ever pray &c' —

May it please the Court &c.

Thos I Thindred
Jm B Shand pg

The Joint & several Answer
of Martha Sanford & Menalcus
Sanford ^{by husband} (the said Martha by her said
husband as next friend) to a Bill filed
as there in the County Court of Southamp-
ton by Martha DeBordinaire wife of
Fulgence DeBordinaire, the said Martha
by her said husband as next friend —
at the August term thereof 1870.

These Defendants, for answer to
so much of the Complainants Bill, as

they are advised it is material for them to
answer for answer say that they have
no objection to the Decree as prayed for
and having answered, the said Defendants
pray to be hence dismissed, with their reason-
able costs &c —

Thos I Thindred
R.D.

Martha De-Bordinaire ^{wife of Fulgence DeBordinaire} by next friend
by ^{husband}

Martha Sanford & Menalcus San-
ford, her husband, the first-named by
the last-named as her next friend —

Decree

^{as docketed by law of Court and consent of parties}
This Cause was, this day heard, on the Com-
plainants' Bill, the Answer of Defendants with
Exhibits filed, & Replication to the said Answer
and was argued by Counsel: On Consideration
whereof the Court doth advise, order and
decree that John De Kow Senior, Henry
V. Cobb & Samuel B. Retlow, Luther R.
Edwards, and Theophilus G. Barkam (any
three of whom may act) be and they ~~are~~
are by appointed Commissioners for the pur-
pose — that the said Commissioners do
acting divide into two just and equal shares,

all of the real estate of which William
Sankford lately died seized and possessed —
And assign one of the said halves to Martha
DeBordenave, wife of Fulgence De Bordenave
to be held by her ^{for and during her natural life} subject to the condi-
tions and contingencies of the last will and testa-
ment of William Sankford lately deceased —
And assign the other half to Martha Sank-
ford, wife of Eleazar Sankford —

But the said Commissioners are ^{hereby} ordered
and directed to assign in the half to the
said Martha Sankford the homestead ~~and~~
(together with the tract of land generally con-
sidered and reputed as belonging and attached there-
to) on which the said William Sankford resided
at the time of his death as a necessary por-
tion of the said Martha Sankford's half, and add
thereto so much as they the said Commissioners,
may consider necessary, of the other real estate
owned by the said William Sankford, to make
up a just and equal half ~~of the whole~~ of the
said William's real estate — And the said Commis-
sioners are authorized to employ the services of a
competent Surveyor if they deem proper to assist
them in their duties enjoined by this decree —

The said Commissioners are further directed
and ordered to divide the ^{wholly of the} ~~whole~~ real estate of
which the said William Sankford died seized and
possessed into two just and equal shares and as-
sign them as before directed, taking into con-
sideration the same with the value of all build-

De Bordenave & Co.
Sankford & Co.

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ing) Situated thereon at the time of the
death of the said William Sankford,
the value of all the lands whether cleared
or wood-land, but making no allow-
ance to any party for improvements al-
leged to have been placed on any por-
tion of the said real estate by any one
— that is to say the said Commissioners
must ^{estimate the value of} ~~value~~ the said real estate as they
now find it.

And the said Fulgence De Bordenave
having appeared in court and executed a
bond ^{with sufficient personal security} in the penalty of one thousand ~~dollars~~
dollars conditioned according to law as
Trustee for the said Martha De Bordenave;
Elliott L. Story, Executor in the last will
and testament of the said William Sankford
is hereby ordered and directed ^{at his discretion} to pay over to
the said Trustee one just and equal half of
all monies in hands as Executor as aforesaid;
taking from the said Trustee a Refunding
bond conditioned according to law.

And the said Commissioners are directed to report
to the Court in order to a final decree.

De Bordenave &c

v

Sanford &c

Decree

June 20th 1871

To be entered

J. W. May, what Judge

De Bordenave &c

¹⁷ Lankford } Decree

This Cause was, this day, again heard on the papers for nearly read together with the Report of Commissioners John Bellow, Henry T. Cobb & S. B. Bellow, filed at the September Term of this Court A.D. 1870, to which there being no exception, the same is hereby confirmed, and was argued by Counsel: On Consideration whereof the Court doth adjudge order and decree that the said Report be confirmed, that the rights and title acquired by the said Martha Lankford wife of Menalcus Lankford and Martha De Bordenave, wife of Fulgence De Bordenave as set forth in said Report be declared stable and binding upon the said parties, subject to the ~~Bill~~ last will and testament of the said William Lankford —

That the Executor of the said ~~Lankford~~ William Lankford pay the expenses of this Decree out of any funds in his hands as such Executor and nothing further appearing necessary to be done in this Cause, the same is dismissed from the docket.

1870 Sep. 10

We the Commissioners John Pettow Senior,
Samuel B. Pettow and Henry V. Cobb,
appointed at the August Term of
Court- 1870, to assess and divide the
lands of William Langford (Deceased),
into two equal parts; have met and
viewed the lands, and according to
direction, have apportioned the home-
-place estimated at 610 Acres, with
marl-bed on Black-Water River,
also 107 Acres, Black Water River
low grounds near Franklin, and the
place known as the Jonathan Lang-
-ford farm estimated at 150 Acres,
to Martha Langford wife of
McNaleus Langford.

The remainder of
said lands estimated at 678 Acres,
we apportioned to Martha deBordenave
wife of Fulgence deBordenave; which
we respectfully submit to the Court.

Aug 18th 1870

John Pettow Sr.
Henry V. Cobb
S. B. Pettow } Commissioners.

Know all men by these Presents, That we, *F. deBordenave*
Uriah Bracy

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum
of *One thousand* _____ dollars
good and lawful 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 *15* day of *August*
A. D. 1870.

THE CONDITION OF THE ABOVE OBLIGATION is such, ~~that if~~ ^{if} the above bound —

deBordenave is appointed Trustee to Martha deBordenave
in a suit in Chancery depending in the County Court of Southampton
which said Martha deBordenave is plaintiff and Martha
Sanford & others Defendants

Now if the said F. deBordenave

shall faithfully discharge the duties of his said office or trust according to law, then the
above obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and delivered }
in presence of the Court. }

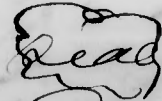
F. deBordenave [SEAL.]

Uriah Bracy [SEAL.]

[SEAL.]

[SEAL.]

June 19th 1871, June County Court -
And we do further hereby waive
each of us, our homestead exemption
as to this liability or Contract -
Witness our hands & seals this 19th June
A.D. 1871.

J. de Bordenave. 
W. S. Gray 

St. Louis
Mo.
June 19th 1871
J. de Bordenave
W. S. Gray