1871-050 SOUTHAMPTON COUNTY CHANCERY PAPERS

WORRELL VS. WORRELL + al

3/1871

369.

Miles Worrell

vs

George & Judith Worrell

Decree

1867 Oct. Decree as filed

1871 March Removed from the Docket

To the Worshipful County Court of Southampton
Chancery

Humbly Complaining Sheweth unto your Worships your Orator Miles Worrell and respectfully represents as follows -

That some years since your orator, together with James G. Worrell, purchased a small tract of land containing acres more or less, with a water grist mill situated thereon, ~~which~~ lying and situate in said County - that the said tract of land was purchased and owned by them jointly, in equal undivided shares, as will be seen by a copy of the Deed from John D Kindred, Commissioner of the Circuit Court of said County in a suit of Kindred vs Kindred's, herewith filed as part of this Bill (marked A)

that in the year 1864 the said James G Worrell died intestate leaving several children and widow as his heirs at law -

that the real estate of the said James G Worrell has been divided among his several heirs by Commissioners appointed by a Decree of the County Court of the said County entered at the term thereof in the year 1866 or 67, and a copy of the Report

of said Commissioners is herewith filed (marked B), as a part of this. It will be seen by said Report that the undivided moiety of the said James G Worrell deceased, ~~was allot~~ in the said Mill and tract of land, was allotted or assigned by the said Commissioners, to the two minor children of the said James, viz George T. Worrell and Judith J. Worrell, to be held equally and jointly by them —

That the said tract of land is very poor and that the Mill has heretofore yielded almost entirely what ever of rent or profit accrued from the said real estate —

That the said Mill house and Machinery are now in a decayed or worn out Condition, needing the expenditure of a large sum of money to render it capable of yielding any income — that neither your Orator nor the said Minors are able to repair and refurnish the said Mill the said Minors indeed having nothing & scarcely except their small interest in the said Mill and the small piece of land attached thereto —

Being reduced to this Condition, your Orator is therefore desirous of selling the said Mill and land, or at least his interest therein, and believes that the interest of the said Minors will be promoted by such sale. In its present Condition in which from want of means, it must remain it must be wholly unprofitable to all concerned — He prays therefore that a Decree may be granted directing a sale of the same, in order that a division of the said real estate may be effected, as a division in kind is plainly impracticable —

That the said Minors George T. Worrell and Judith J. Worrell by some proper person as guardian ad litem to defend their interests may be made parties defendant to this Bill, and compelled to answer its allegations —

To all your commands would grant such other & general relief as Equity may dictate & the nature of the case may require —

And as in duty bound, he will ever pray &c

Jno J Kindred pq

The joint & several Answer of George T. Worrell & Judith J. Worrell Minors, by Margaret Worrell their Mother & guardian ad litem to a Bill filed against them in the County Court of Southampton, by Miles Worrell.

These Defendants, for Answer to the said Bill, say that being Minors & ignorant of their interests they submit them to the Court — and having answered, pray to be dismissed &c.

Kindred pd

Miles Worrell
by
George T. B. } Decree
Judith J. Worrell

This Cause was, this day, docketed by leave of Court and Consent of parties; and the Court having appointed Margaret Worrell the Mother and guardian at Law of the Infant Defendants, their Guardian ad litem; by the like leave and Consent was heard on the Bills and Exhibits therein filed, the Answer and Replication thereto, and was argued by Counsel: On Consideration whereof the Court doth adjudge, order and decree that Peleg Pearson who is hereby appointed a Special Commissioner for the purpose sell at public auction the Mill and tract of land thereto attached, lying in Southampton County, and lately owned by the said Miles Worrell and James G. Worrell deceased, having duly advertised the same — on a credit of Twelve months, taking bond from the purchaser with sufficient security, bearing interest from date and retain the title till the whole purchase money is paid — requiring cash to pay the expenses of advancing and executing the decree But this Decree shall be suspended until the said Commissioner shall have executed in the Clerk's office of this County, a bond, with sufficient security, in the penalty of one thousand dollars, conditioned for the faithful performance of the duties herein enjoined.

And the said Commissioner is directed to report to this Court in order to a final decree.

Know all men by these presents that we Pelege Carroon R. L Bryant Chr. E Bryant Jas. B Vick are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of One thousand dollars: 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 16 day of Dec 1867

The Condition of the above obligation is such that whereas by a decree of the County Court of Southampton entered at the October Term thereof, 1867 in a suit in chancery therein plaintiff between Miles Worrell plaintiff and George T Worrell & Judith J Worrell infants & Defendants the above bound Pelege Carroon was appointed Commissioner to Sell the Mill & tract of land in the proceedings in the said suit described. Now if the said Pelege Carroon shall faithfully discharge the duties of his office or trust according to law, then the above obligation to be void or else to remain in full force and virtue.

P Carroon (Seal)
Richard L. Bryant (Seal)
Charles E Bryant (Seal)
Jas B Vick (Seal)

Southampton County In the Clerks Office 16 day of December 1867

The above bond was acknowledged by the obligors thereto, before me in my Office aforesaid: and R L Bryant, Chr E Bryant & Jas. B Vick the sureties in said bond made oath before me that their estates, after the payment of all their just debts are worth One thousand dollars, the penalty of the said bond.

L R Edwards Clk