

1873 - 09

Santhampton County Company

Hill, Everett vs Vick, Selby et al

"Unlawful Detainers"
Grand

Sully Vick
mills vs Vick
Eliza L Vick
Martha O Vick
Sarah E Ferguson
Hill L Ferguson

Mill

~~102 99 91 85 79~~

49 31

m. } Papers

Vicks

Learn to amend B...

To the Hon Richard W. Baker, Judge of the
Superior Court of Santhampton -
In chancery -

Humbly Complaining your orator
Everett H. Hill of ~~Santhampton~~ ^{President} of the said County, and
respectfully shews -

that in the month of January in the
Year 1862 the Complainant sold and delivered
to one Lewis Vick of the said County, a certain
Tract or parcel of Land, lying in said County
and commonly known as Warner's old mill, ~~the~~
~~tract~~ together with the grist mill thereto attached
and belonging - the said Lewis Vick took im-
mediate possession of the said grist mill & farm
with your orator's consent under & by virtue of the
said sale, your orator well thinking & believing
that the said Lewis Vick would comply with the
terms of the sale honestly & in good faith -

In a short time however your orator finding
that the said Lewis Vick had no intention of ful-
filling his agreement with your orator with respect
to the said real estate, attempted by ~~assessing~~
a writ of unlawful detainer in the County Court
of the said County to dispossess the said Lewis
Vick - And extract from the records of the County
Court here with filed (marked out) for part of this
bill will shew that the said Vick by pleading to
the said action of unlawful detainer that he had
purchased the said real estate, ~~defeated~~ your orator
in his attempt to dispossess him -

Notwithstanding the said Lewis Vick
claimed and alleged in the year 1861, in defence to
the attempt to dispossess him, by the action of unlaw-

ful detention, that he had purchased the said Mill and ~~land~~ ^{tract} attached, and notwithstanding he held possession of the same for nearly a period of five years, that is to say from the month of January AD 1862 till his the said Lewis Vick's death which occurred in the summer of 1866, the heirs and administrator of the said Lewis Vick abandoned the said property ^{with} ^{water right} mill with all its fixtures, the buildings and real estate and every thing connected therewith, immediately at the close of the year 1866.

Your orator thought ~~that~~ it might be deemed justly to his interest to protect the said ~~property~~ real estate from waste and entered up an order of possession of the same after it had been thus deserted by Mills H. Vick, a son of the said Lewis, and who had for many years during his father's life kept and managed the said mill for his said father.

Thus the said Lewis Vick enjoyed and used all the profits from the said mill, farm, orchard, houses & everything connected therewith for the space of ~~five~~ years.

On the 7th July ~~1866~~ ¹⁸⁶⁵ the said Lewis Vick but a short time before his death, being then in ~~perfect~~ ^{depressed} health, for the purpose of defrauding your orator ~~made~~ executed and recorded in the clerk's office of the County ~~of this~~ ^{of this} County, that is to say ~~on the 7th of July~~ a deed of gift by which ~~he granted~~ ^{he granted} and conveyed all of his visible estate of every kind whatsoever to his children and grand children - a copy of this deed is herewith filed as part of this Bill (marked B).

The object of the said Lewis Vick in executing

this deed of gift was evidently to defraud your orator by preventing him from recovering any thing from the estate of the said Lewis Vick, for the use and occupation of the said mill, farm &c during those five years which he had enjoyed it.

Your orator is advised that as the said Lewis Vick attorney refused to comply with the terms of the sale, or to give up the said real estate to your orator when he desired to take it back and cancel the bargain between himself and the said Lewis Vick to avoid any misunderstanding about the said bargain, ~~that~~ about which his undersigning your orator was not in fault to the least possible extent, but inasmuch as the said Lewis Vick ~~thought proper~~ ^{thought proper} to ~~act~~ on his heirs and representatives, thought proper to hold possession of the same as long as they desired to do so, and as long as they considered it profitable to do so, and finally to abandon the said property - the estate of the said Lewis Vick ^{should be} ^{in equity} responsible to your orator for a just and reasonable rent for the same during the time it was so used & occupied by the said Lewis Vick & his heirs - that the said Lewis Vick was justly indebted to your orator for a just & reasonable rent therefor at the time he executed the said deed of gift - that your honor be pleased to declare the said deed fraudulent and void, or decree that the said parties to whom the said property was given ~~should~~ ^{should} in the said deed, should contribute ratably to pay to your orator a just compensation for the rent of the said real estate - that a Commission of the Court be directed to inquire what is or was a fair

sent for the same while used & occupied by the said
Lewis Vick - that Sally Vick widow of Lewis Vick, and
that the said Melvin H. Vick, Elijah J. Vick,
& Martha Vick who are a duly may be made
parties defendant, ^{to the full & requiring to answer its allegations} that some proper person may
be appointed guardian ad litem to the default
defendants, Sarah E. & Stith S. Ferguson
to defend their interest -

that your honor would grant such order
& general relief as equity may dictate and
the nature of the case may require -
and as a duty bound, your honor will
over pray &c -

Very Kindly
by

Elliott J. Hill
in
Melvin H. Vick Attorney

Paid

1867 Oct. Rules

102

A

Hill

~ { Ex. with bill

Vicks

Be it remembered, that on the 7th day of April 1864, Everett T. Hill by his attorney sued out of the Clerks Office of the County Court of Southampton County a summons in a case of unlawful detainer, against Lewis Vick and Mills H. Vick returnable to the April Term, then next, of the said Court, which summons with the Sheriffs return thereon made is in the words and figures following, to wit:

"The Commonwealth of Virginia - To the Sheriff of Southampton County: Greeting. We command you to summon Lewis Vick and Mills H. Vick to appear before the Justices of our County Court of Southampton County at the Courthouse on the first day of April Term 1864, to answer the complaint of Everett T. Hill against them, to wit, that the said Lewis Vick and Mills H. Vick are in possession and unlawfully, withhold from the said Everett Hill the following real estate, to wit, the Mill-house, the Millers house together with the land covered by the said two houses and the land covered by the water of the Mill pond, known formerly as Barnes mill - all the said property being the same which was owned by Jacob Barnes Sen. in his lifetime, lying in Southampton County and bounded by the lands of the said Everett T. Hill, Everett Bryant & others. and have them show this writ - Witness Littleton R. Edwards Clerk of our said Court at the Courthouse this 7th day of April 1864, in the 88th year of the Commonwealth.

- L. R. Edwards Clk."

Sheriffs Return - "Executed by delivering to each a copy, Apt. 8. 1864 -

Poley Carson Dep. of I. Kells Shff"

Afterwards, to wit: At a Court held for the said County on the 18th day of April 1864. The summons having been returned duly executed. This day came as well the plaintiff by his attorney as the defendants by their attorney, and the defendants by their attorney pleaded not guilty to which the plaintiff by his attorney replied generally, and thereupon came a jury, to wit, Giles Pope, Davis Barrett, John Moore, J. A. Barham, John H. Davis, Joseph Crumpler, Goodwin D. Cutler, Jere. Spring, John C. Bunn, A. J. Stephenson, & Elijah Williams who being elected, tried and sworn the truth to speak upon the issue joined. Giles Pope one of the jurors, by consent of parties was withdrawn and the rest of the jury from rendering their verdict discharged and the cause continued till the next term for a new trial to be had thereon.

And at another day, to wit, At a Court held for the County aforesaid on the 18th day of July 1864 - This day came the parties by their attorneys and thereupon came a jury to wit, Amos S. Pope, John Camp, Richard Copeland, John Pritton, Hyziah Bradshaw, E. B. Pritton, Charles E. Bryant, R. J. Darden, Sam. Ferguson, Henry Ferguson,

Goodman E Johnson and Jethro Charles who being sworn, tried and sworn the truth to speak
upon the issue joined retired and after sometime returned and declared they could not agree
on a verdict Whereupon by consent of parties Amos Pope one of the jurors aforesaid was withdrawn
and the rest of the jury from rendering their verdict discharged, and the cause is continued till
the next Term for a new trial to be had therein.

Att: transcript of the Record

Teste

L. R. Edwards Clk

Hill

and { Anns. Infants

Vicks

1864 Nov. Rules.

The Joint and several Answer of Sarah E. Ferguson and Seth J. Ferguson Infants of tender years, by L R Edwards their guardian ad litem, to a Bill filed against them in the Circuit Court of Southampton County, by Everett J. Hill

These Defendants for answer to so much of the Complainant's Bill as they are advised it is material for them to answer, say -
That they are Infants of tender years and have nothing of their interests, but submit the same to the protection of the Court -

And having answered having to be hence
dismissed with their reasonable costs &c

L R Edwards Guardian ad litem

Will

or { Sum. Ch.

Vicks V^d

1864 October Rules

Assented Oct. 5/1864
on Sally Vicks, Mills &
Vicks, Eliza J. Vicks and
Martha D. Vicks by
delivering to each a Copy.
May C & Ethel H. Fur-
gerson are not residents
of my County.

P. Carson dep.
for S. Mills dep.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU to summon

*Sally Vick. Moll's H. Vick. Ely & J. Vick. &
Martha D Vick. & Sarah E & Esther S Ferguson*

to appear at the Clerk's office of our

Circuit

Court of Southampton County, at the Rules

to be holden for the said Court on the first Monday in

*October next to answer a bill in Chancery
exhibited against them in our said Court by Everett T. Hill*

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-
house, this *23^d* day of *September* 186*7*, in the *72^d*
year of the Commonwealth.

L. R. Edwards

This Deed Made this 5th day of July 1866. between Lewis Vick of the one
part, and Mills St. Vick, Elija J. Vick and Martha D. Vick, my children,
Sarah E. Furgason and Eliza L. Furgason my grand children of the other part.
Witnesseth that the said Lewis Vick for and in consideration of the Natural Love and
affection which he has for the said Mills St. Vick, Elija J. Vick, Martha D. Vick,
Sarah E. Furgason & Eliza L. Furgason, and for the further consideration of one dollar
to him in hand paid by the said Mills St. Vick, Elija J. Vick, Martha D. Vick,
Sarah E. Furgason & Eliza L. Furgason doth grant with general warranty unto the
said Mills St. Vick, Elija J. Vick, Martha D. Vick, Sarah E. Furgason & Eliza
L. Furgason, the following property to wit: I give to my ^{two} grand children, Sarah
E. Furgason & Eliza L. Furgason the sum of five dollars in money to each, to them
and their heirs forever. I give to my son Mills St. Vick The plantation known as
the Nick Bryan place to him and his heirs forever. I give unto my two daughters
namely Elija J. Vick & Martha D. Vick all of the balance of my estate both real
& personal not before given away consisting of Land, Mill, (called the Barnes Mill)
Stock of all kind, crops of all kind, bacon, corn, fodder, household & kitchen furniture
money, bonds & accts, due me, brandy still and fixtures, to them and their heirs, but
in case either should die leaving no heir of her body, her part, I give to the
surviving one of the above Elija J. Vick and Martha D. Vick, but in case both
should die leaving no heir of their body. I give the said property to Mills St. Vick
and his heirs for ever, Against all persons do warrant and defend by these presents.
In witness whereof, I hereunto set my hand and affix my Seal first above written.

Signed Sealed and delivered

in the presence of

Davis Barrett

George E. Worrell

Nathan ^{Jr} Vick -
mark

Lewis Vick

(Seal)

Southampton County. In the Clerk's Office, the 7th day of July 1866.
This Deed of gift from Lewis Vick to Mills St. Vick, Eliza J. Vick, Martha
S. Vick, Sarah E. Furgason & Stith S. Furgason was proved by the Oaths of
Davis Barrett, George E. Worrill & Nathan T. Vick the witnesses thereto and
admitted to record.

Teste,

S R Edwards. Ck

a Copy

Teste

S R Edwards Ck

Still

at 2 Ex. with bill

Vick's

Errett T. Hill
against 3 Dums -
Sally Vick and others -

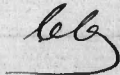
Executed on Sally Vick
Mills W. Vick, Eliza J.
Vick & Martha D. Vick
Nov. 1. 1867 by delivering
a copy to each.

Eliza J. Ferguson and
Sarah E. Ferguson are
not inhabitants of my
State.

P. Varoon Depts
for S. Kello Shiff

The Commonwealth of Virginia.

To the Sheriff of Southampton County: Greeting—
We Command you to Summon Sally Dieck, Mills H. Dieck, Martha D. Dieck,
Elija J. Dieck and Sarah E. and Stith S. Ferguson, to appear at the office
of John J. Kendrick in Jerusalem, Southampton County, Va. on the Sixth day of
November next, to testify and the truth to speak in behalf of Emmitt J. Still
against Sally Dieck and others, and hear them there this writ. Witness Littleton
R. Edwards, Clerk of our said Court, at the Court house this 28th day of
October 1867. in the 93rd year of the Commonwealth.

L R Edwards, 

Sarah E. Ferguson

The Commonwealth of Virginia.

To the Sheriff of Southampton County: Greeting

We Command you to Summon Sally Vick, Mills H. Vick, Eliza J. Vick, Martha S. Vick and Sarah E. and Stith S. Ferguson, to appear at the Office of John J. Skindred, in Jerusalem, Southampton County, Va. on the Sixth day of November next, to testify and the Court to Speak, on behalf of Courtt F. Still against Sally Vick and others, and have there show this writ. Witness Linton R. Edwards Clerk of our said Court, at the Courtroom this 28th day of October 1867. in the 93rd year of the Commonwealth.

L R Edwards, cl^k

Stith S. Ferguson

The Commonwealth of Virginia:

To the Sheriff of Southampton County: Greeting:

We Command you to Summon Sally Vick, Mills H. Vick, Eliza J. Vick, Martha D. Vick and Sarah C. and John S. Ferguson, to appear at the office of John J. Kindred in Jerusalem, Southampton County, Va. on the Sixth day of November next, to testify and the truth to speak in behalf of Everett T. Hill against Sally Vick and others, and have them there this writ. Witness, Lottum R. Edwards, Clerk of our said Court at the Courthouse this 28th day of October 1857. in the 92nd year of the Commonwealth.

L R Edwards, cl

Excited Sally Vick, Miss
H. Vick, Eliza J. Vick
Martha D. Vick, Edward
Beaton, Dennis Bryant
Benj. B. Kindred & Samuel
Smith on the 1st day of
Nov. 1867 by reading & ex-
plaining the within to each
of them. Sarah E. Ferguson
& Eliza H. Ferguson are
not inhabitants of my state.

P. Carson Deput
for G. Kells Sheriff

To Sally Vick - Miss H. Vick Elizabeth Vick
& Martha D. Vick, & Sarah E. & Seth S. Ferguson,

You will please take notice that
I shall proceed on Wednesday the sixth day of
November next, between the hours of sunrise & sun-
set, at the office of Jno I Kendrick in Jerusalem,
in ~~the~~ ^{the} County of Southampton to take the depositions
of Edward Beaton, Dennis Bryant, Benjamin
B. Rhoads & Lemuel Smith & others, to be read
as evidence in my behalf, in a chancery
suit now pending in the Circuit Court of
the said County, in which you are defend-
ants and I am plaintiff.

Yours respectfully
Ezra H. Hill

by Jno I Kendrick his Counsel

October 28th - 1867

To the Sheriff of Southampton County
to execute.

Given at Harrodsburg
Massachusetts for Dr H

Everitt T. Hill

is

Mills H. Vick & others

Deponents

Handed in Nov. 6th 1867
L.R. Co. ad

The Depositions of Dennis Bryant, Samuel Smith and others, taken at the office of John S. Kindred in the village of Jerusalem, on Wednesday the sixth day of January 1867, between the hours of sunrise and sunset, according to notice duly given (which is herewith filed) to be read as evidence in a Chancery suit now pending in the Circuit Court of Southampton County, in behalf of the Plaintiff, in which Everett T. Hill is Plaintiff, and Mills H. Vick, Sally Vick & others are Defendants.

Taken before Henry S. Howard Commissioner in Chancery

Present John S. Kindred Counsel for Plaintiff;

" C. W. Mapenbury Counsel for Defendants:-

Dennis Bryant having been duly sworn upon the Evangelists of allmighty God, says and deposes as follows:-

Question by Plaintiff's Counsel: ~~What do you think~~

What years did Lewis Vick and his son Mills H. Vick occupy and use the mill and farm attached thereto now known as Hill's mill, the property of Everett T. Hill, formerly known as Barnes's mill?

Answer - I think Lewis Vick took possession of the mill and premises in January 1862 and continued in possession till January last, (1867) -

Ques - What do you think a just compensation per year for the mill and farm during those five years?

Answer - A hundred and fifty dollars per year - I am willing to give that sum for it, for the next year -

Ques - Is there an orchard on the place, and how much brandy, with a bit, would it yield?

Answer - There is a small orchard on the land -

I think, if nicely saved, with a good bit, it would yield two or three barrels of brandy.

Question - How much cleared land is there, and what is its quality?

Answer - About a one horse shift per each year - The most of the land is about average, - a portion of it about twenty acres much above average.

Question - What about the houses & settlements on the place? How many are there?

Answer - There are four separate houses or settlements on the place, which will afford accommodations for four small families.

Ques - What was the condition of the mill, &c, when Mills H. Vick abandoned it last January?

Answer - The water was all turned off, or rather was off, and the pier head was not in as good order as it was when Mr Vick took possession of it - The dam was, I think in about the same condition that it was when Lewis Vick took possession of it - The dam was leaky then and has always ever since I knew it, for about forty years, been leaky.

Crop Examined

Question by Defendants' Counsel -

Did Lewis Vick have possession of both, the mill and farm from '62 to '67?

Answer - I don't know certainly whether he did not.

Question - What was fair value for the mill alone - rent per year?

Answer - I should say that it would yield about twenty five barrels of ^{toll} corn ~~total~~ per year on ^{an} average. I have kept the mill myself -

Question - How much crop do you think could be made on the arable land per year?

Answer - I think about sixty barrels of corn and two or three thousand pounds seed cotton to the shift

per year -

Question - Did not Lewis Vick on taking possession of this property do so under some agreement for a purchase of the same?

Answer - I don't know - I never heard any ^{show} ~~agreement~~ between them. And further this Defendant saith not -

Signed -

Dennis ^{his} Bryant
mark

James L. Smith having been duly sworn, says and deposes as follows -

I have heard the testimony of Dennis Bryant the witness whose deposition is above stated, and I believe in all his statements.

And further this defendant saith not.

Signed

James L. Smith

State of Virginia - County of Southampton - Sheriff -

I, Henry S. Howard, Com'r in Chancery, do hereby certify that the foregoing deposition of Dennis Bryant and James L. Smith were taken at the time, place and manner mentioned in the caption.

Witness my hand the day and year first stated -
Henry S. Howard, Com'r.

4.13
 1.08
 72
 1.08

 7.01
 1.08
 1.08
 54
 8.87

Still

} Stat. Rules
 Vicks

Clerk
 Shp. Kello.
 Law

// 8.87
 8.00
 1.00

 // 32.87

In Southampton Circuit Court.

Ernest T. Hill

against.
Sally Vick widow of Lewis Vick, dec. Mills H Vick, Eliza J Vick & Martha D Vick &
Sarah E & Esther L Ferguson by L. R. Edwards their Guardians ad litem

1867 Sept. 23^d Sum. issued.

" Oct. Rules Sum. ret. Executed on adult Defts. Bill filed. A. Nisi & Adult Defts.

" Nov. " L. R. Edwards assigned Bon. ad litem to Sarah E & Esther L Ferguson.

Ans. of Infants. G. Rep. thence. Bill taken for Confessio as to adult Defts. Cause set for
hearing 1st

1873 May Dismissed