1873-039 SOUTHAMPTON COUNTY CHANCERY PAPERS

URQUHART &UX+al VS. URQUHART + al

4/1873

other surnames: Burgess, Goode, Ridley

Unguibus

ex 3 Dille

Unguibus

To the Honorable Joseph R Wyatt Judge of the County Court of Southampton in Chancery sitting

Humbly complaining Your Orators James B Wyatt and Mary L his wife, R. A. Burgess and Fanny R. his wife (who before marriage was Wyatt, Margaret R Wyatt, John Goode and Sallie his wife (who before marriage was Wyatt, Burgess Wyatt and Mary B his wife, M. A. Wyatt, Thos R Wyatt, Stephen R Wyatt* R. W. Wyatt, Robt Reilly and Lucy A his wife (who before marriage was Wyatt* R. M. Wyatt and Mary L his wife W. C. Wyatt, Nancy Wyatt, Richard A. Wyatt, Shew unto Your Honor that in the year 18. John Wyatt of Southampton County died seized and possessed in fee simple of a small Tract of land lying immediately east of the Town of Jerusalem supposed to contain about three acres which descended to his four sons in Coparcenary to wit James B, Richard A, Charles L and Austin B Wyatt who never divided or sold the same in their lifetime that all four have departed this life, and that the said land now is held in Coparcenary by the following parties One fourth to the heirs of James B Wyatt to wit James B Wyatt, W. B Wyatt Fanny R Wyatt wife of R. A. Burgess and Margaret R Wyatt One fourth to the heirs

of R. A. Urquhart to wit Sallie Goode who
befor marriage was Urquhart, Mrs Louisa Urquhart
M. A. Urquhart Burgess Urquhart, Thomas R
Urquhart and Stephen R Urquhart One fourth
to the following children and grand children
of Charles F Urquhart to wit R. W. Urquhart
Mrs L. A. Ridley who was Urquhart befor
marriage and two grand children Charles F. T.
and Leonidas K Urquhart sons of A. B Urquhart
and One fourth to the heirs of Anselm R
Urquhart to wit R. M. Urquhart, W. C. Urquhart
Nancy Urquhart, Richard A Urquhart
James B Urquhart and Francis M Urquhart

Your Orators state that they now desire
a division of the said tract of land but
as the quantity is so small a division is
out of the question and therefore a sale
of the whole is necessary in order to effect
their purpose and therefore they ask a sale
of the same In their consideration
whereof and inasmuch as your Orators are
without relief at law and only entitled to
relief in a court of equity where such
matters are peculiarly cognizable they therefore
pray that, W. H Urquhart, Charles F Urquhart
Leonidas K Urquhart, James B Urquhart
and Francis M Urquhart all five infants by
their fit and proper person their guardian
ad litem may be made parties defendant to
this bill and that the court would compel
them as full and perfect answer make to
the allegations therein contained as if they
had been thereunto more fully and specially
interrogated And that the court would decree
a sale of the said tract of three acres of
land lying near Jerusalem on such
terms as to it may seem right and a
division of the purchase money according
to the rights of the parties and that the
court would grant such other and further
relief the premises considered as equity
may dictate and the nature of their case
may require And as in duty bound your
Orators will ever pray &c

Thomas J. J.

Imprints
as 3 divisions of
3 important depts
Imprints

The answer of W. H. Urquhart, Charles
Urquhart, Leonidas K Urquhart, James B
Urquhart and Francis M Urquhart five
infants by L. R. Edwards their guardian
ad litem to a bill in chancery by James B
Urquhart & wife & als & these

This defendant for answer to the said
bill or as much thereof as he is advised it
is material for him to answer, answering
says that he knows nothing of the facts set
forth in the plaintiffs bill but submits the
interests of his ward to the care of this
court whose peculiar duty it is to protect
the rights of infants and having fully
answered prays hence to be dismissed with
his costs &c

Shands for
defts

Rec'd by consent
Shands for plffs

1st J.

Injunction

vs 3 Dem

Injunction

To be entered

J. W. Wyckoff

Judge

Feb. Term 1873

Urquharts
vs 3 Decree
Urquharts

By consent of parties this day this cause came on to be heard on the bill answer and general replication thereto and was argued by counsel on the hearing whereof the court doth adjudge order and decree that Thomas Reilly who is hereby appointed special commissioner for that purpose shall after having given at least twenty days notice by public advertisement at Jerusalem proceed to sell at Jerusalem at public auction to the highest bidder the tract of land lying immediately east by south of the town of Jerusalem containing by estimate three acres now held and owned by the heirs and distributees of Robert Urquhart dec'd On the following terms to wit cash sufficient cash to defray the costs of sale and this suit balance of the purchase money on a credit of twelve months taking from the purchaser bond with approved security carrying interest from the day of sale retaining the title until all the purchase money shall have been paid and upon paying of the said purchase money distribute and pay it out to the parties as follows to James B Urquhart

and Mary Louisa his wife 1/16 and 1/24 to
the lawful guardian of W. H. Ingulhart 1/16
to R. A. Burgs and Fannie N his wife 1/16
to Margaret N Ingulhart 1/16 to R. W Ingulhart
1/12 to Robt Kiddy and [illegible] a his wife
1/12 to the lawful guardian of Charles W J
Ingulhart 1/24 to the lawful guardian of
Lonidas K Ingulhart 1/24 to John Goode and
Sallie his wife 1/24 to M. A. Ingulhart 1/24
to Burgs Ingulhart 1/24 to Thomas N Ingulhart
1/24 to Stephen N Ingulhart 1/24 to Kenneth N
Ingulhart 1/24 to W. C. Ingulhart 1/24 to Nancy
Ingulhart 1/24 to Richard A Ingulhart 1/24 to
the lawful guardian of James B Ingulhart
1/24 and to the lawful guardian of Francis
M Ingulhart 1/24 And Report his proceedings
to court in order to a further decree

But the said Thomas Kiddy shall not proceed
to act under this decree until he shall execute
in the clerks office of this court a bond in the
penalty of one hundred dollars conditioned for
a faithful performance of this and any other
decree which may be entered in this suit

Urquharts

v. } Copy decree

Urquharts

Southampton County Court, February Term 1873.

James B. Urquhart, and Mary L. his wife, R. H. Burgess & Fannie A. his wife, who before Marriage was Urquhart, Margaret A. Urquhart, John Gordo, and Sallie his wife, who before Marriage was Urquhart, Burgess Urquhart, and Mary B. his wife, M. A. Urquhart, Thos A. Urquhart, Stephen A. Urquhart, R. W. Urquhart, Robert Ridley and Lucy A. his wife, who before Marriage was Urquhart, L. M. Urquhart, and Mary A. his wife, W. C. Urquhart, Nancy Urquhart, & Rich. A. Urquhart Plaintiffs

In Chancery

against

W. H. Urquhart, Charles T. Urquhart, Lemuel R. Urquhart, James B. Urquhart and Francis M. Urquhart, [illegible] by L. R. Edwards their Guardian ad litem. Defendants

By Consent of parties this day this Cause came on to be heard on the bill answer and general replication thereto and was argued by Counsel, on the hearing whereof the Court doth adjudge order and decree, that Thomas Ridley who is hereby appointed Special Commissioner for that purpose Shall after having given at least twenty days Notice by public advertisement at Jerusalem, proceed to Sell at Jerusalem, at public auction to the highest bidder the tract of Land lying immediately East by South

of the Town of Jerusalem, Containing by estimate three acres
now held and owned by the heirs & distributees of John
Urquhart dec'd. on the following terms to wit; Sufficient Cash
to defray the Costs of Sale & this Suit, balance of the
purchase money on a Credit of twelve months taking
from the purchaser bond with approved Security Carry-
ing interest from the day of Sale, retaining the
title until all the purchase money shall be
been paid, and upon paying of the said purchase,
distribute and pay it out to the parties as follows;
To James B. Urquhart & Mary Lenora his wife 1/16 & 1/24
to the Lawful Guardian of W.H. Urquhart 1/16 to R.W.
Burgess & Fannie A. his wife 1/16, to Margaret A. Urquhart
1/16 to B.K. Urquhart 1/12, to Robert Ridley and Lucy
A. his wife 1/12 to the Lawful Guardian of Leonidas
R. Urquhart 1/24, to John Goode and Sallie his wife 1/24
to M.A. Urquhart 1/24 to Burgess Urquhart 1/24 to
Thomas A. Urquhart 1/24 to Stephen A. Urquhart 1/24
to Kenneth M. Urquhart 1/24 to K.C. Urquhart 1/24
to Nancy Urquhart 1/24 to Richard A. Urquhart 1/24
to the Lawful guardian of James B. Urquhart 1/24
to the Lawful Guardian of Francis M. Urquhart 1/24,
& report his proceedings to Court in order to a
further decree. But the said Robt Ridley shall not
proceed to act under this decree until he shall
execute in the Clerk's Office of this Court a
Bond in the penalty of two hundred dollars
Conditioned for the faithful performance

of this and any other decree which may be entered in this Suit.

A Copy
Clks $7.50 One dollar and 50 cts paid by W.B. Shepherd Esq
Law 8 16 00 $23.50 paid L.R.E Teste. James R Sylvr D.C

Wyndhams

v 3 Dem

Wyndhams

To be entered

J. Wyndham

Esqre

of Pile Dem

1823

Urquhart
vs 3 Decm
Urquhart

This day this cause came on again to be heard on the papers formerly read and the report of Thomas Ridley commissioner appointed to see the land by the decree of February term 1873 and was argued by counsel on the consideration whereof the Court doth adjudge order and decree that the said Report be confirmed

Virginia
vs 3
Virginia

Commissioners Report

1873 April 21st

Urquhart
vs
Urquhart

Commissioners Report

The undersigned appointed a special commissioner by a decree of the county court of Southampton to sell a tract of land lying south and East of Jerusalem containing by estimate three acres begs leave to report that in obedience to the said decree after having advertised in the manner therein prescribed. He proceeded to sell at Jerusalem at public auction on the 17th of March 1873 that being county court day on the terms prescribed by the decree. and that Wm B Shands, Matthew Ridley, John N Isbell, Joseph W Urquhart and Thomas J Pellow junr as Trustees for the Protestant Episcopal church became the purchasers for the sum of twenty five dollars and paid the same in cash and that he made to them such a deed with special warranty as they required and desired and paid to the clerk $7.50 cts and to the attorney his costs $1 and now holds the residue $16.50 cts for distribution and will report further as soon as he can pay the same to the parties entitled thereto

Respectfully submitted

Thos Ridley Commissioner

Memorandum
for
Sale of Merchants
land

Parties interested in Jerusalem Tract

Jas B. Wyckhart & Mary Lou. H. his wife.
× W. A. Wyckhart (son of J. B. Wyckhart) minor
R. R. Burges & T. K. (his wife)
H. H. Wyckhart
John Gotlieb & Sallie (his wife)
Mary Louisa Wyckhart (wife of J. B. H.)
M. A. Wyckhart
Burges Wyckhart — (Mary B. his wife)
Thos H. Wyckhart —
Stephen H. Wyckhart —

R. W. Wyckhart
L. A. Ritter (wife of Robt Ritter)
(Minors) × Chas S. Wyckhart & Leonides R. (Children of H.H.)

H. M. Wyckhart — M. V. (his wife)
W. C. Wyckhart —
Stacy Wyckhart —
Richd A. Wyckhart
Jas B. Wyckhart — × minor —
Frank. M. Wyckhart — × minor —

James B Wyckhart Claudius
1/4 T 1/4.

R R Lw 1/3 T 1/4
Lois AR 1/3 T 1/4 } C. F h
C F 1/3 T 1/4
L R 1/3 T 1/4

Rio A Wyckhart
1/3 T 1/4

A. B. Lw
1/3 T 1/4

Wynhards

to 3

Wynhards

Receipts D Bailey

Thomas Ridley Commissioner

In account with the Heirs of John Urquhart

Amount to be distributed under the Decree of the county Court $16.50

To James B Urquhart & Louisa his wife	1/11	1/24	1.71	7/8
" W. H. Urquhart	1/11		1.03	1/8
" R A Burgess & Fanny his wife	1/11		1.03	1/8
" Margaret N Urquhart	1/11		1.03	1/8
" R. H. Urquhart	1/12		1.37	1/8
" R Ridley & Lucy his wife	1/12		1.37	1/8
" Leonidas R Urquhart infant	1/24		1.18	1/8
" Charles F Urquhart infant	1/24		1.18	1/8
" John Goode & Sallie his wife	1/24		1.18	1/8
" M. E. Urquhart	1/24		1.18	1/8
" Burgess Urquhart	1/24		1.18	1/8
" Thomas R Urquhart	1/24		1.18	1/8
" Stephen M Urquhart	1/24		1.18	1/8
" Kenneth M Urquhart	1/24		1.18	1/8
" W. C. Urquhart	1/24		1.18	1/8
" Nancy Urquhart	1/24		1.18	1/8
" Rich A Urquhart	1/24		1.18	1/8
" James B Urquhart infant	1/24		1.18	1/8
" Francis B Urquhart infant	1/24		1.18	1/8
			16.50	

Rec'd payment Jas. B. Urquhart & Louisa his wife

Rec'd payment Jas. B. Urquhart Exec'r of W. H. Urquhart dec'd

Rec'd payment R. H. Burgess

Received payment. Margaret N. Urquhart.

Rec'd payment. R. H. Urquhart.

Rec'd payment. R. Ridley & Lucy his wife

Rec'd Payment A. Urquhart Guard

Rec'd Payment A. Urquhart Guard

Rec'd payment John Goode & Sallie his wife

Rec'd payment W. A. Urquhart per J. B. U.

Rec'd payment Burgess Urquhart

Rec'd payment Thomas R. Urquhart per J. B. U.

Rec'd payment Stephen M. Urquhart

Rec'd payment K. M. Urquhart

Rec'd Payment W. C. Urquhart

Rec'd payment Nannie Urquhart

Rec'd payment R. A. Urquhart

Rec'd payment Jas. B. Urquhart Guard'n of A. B. Urquhart

Rec'd payment Jno. Goode Jr. Guardian per J. B. U.

Put the receipts on this page on the same line with the name

Urquharts

v } Coms. bond

Urquharts

KNOW ALL MEN BY THESE PRESENTS, That we

Thomas Ridley & N. T. Ridley

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of One hundred 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 day of A. D. 187 .

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that ~~if the above bound~~ whereas the above bound Thomas Ridley was by a decree of the County Court of Southampton County entered at the February Term 1873 in the Chancery suit therein pending of "Urquhart v. Urquhart" appointed Commissioner to make sale of certain real estate in the proceedings in said suit mentioned and described. Now if the said Thomas Ridley

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.

Thos Ridley [SEAL.]

N. T. Ridley [SEAL.]

[SEAL.]

[SEAL.]