

1878-37

Southampton County - Chancery

Vick, William ^{vs} _{et al}

Vick, Lucy ^{vs} _{et al}

"Division of Property"

Lucy M. Vick
Samuel Vick
Richard Vick
Susan Vick
Mary Vick

To the Honorable Richard G. Baker judge
of the circuit court of Southampton
County in chancery sitting

Humbly complaining your orator
William Vick ^{and infant} who was by Thomas Cobb
his next ^{friend} ~~friend~~ ^{friend} unto your Honor that
in January 1867 Robert Vick his father
died intestate leaving considerable estate
real and personal and his widow Lucy
Vick, your orator William ^{and} Susan,
Richard, Susan, and Mary Vick five
infant children his distributees and heirs
at law and that his widow Lucy
M Vick qualifies as his administratrix
your orator sheweth unto your Honor
that he has very reason to believe that
his father owed no debt of consequence from
all he can gather not more than one or
two hundred dollars and that his personal
effects amount to some one thousand
dollars by appraisement, your orator states
his father Robert Vick left a mill and
seat in Southampton county valued now
at two hundred and fifty dollars that
it is fast going to decay, that it will cost
some three hundred dollars to repair it and
the condition of the estate will not
admit of its repair and keeping it up
your orator desires a division but as
that cannot be done, he asks a sale for
a division.

In Tender consideration yours and
inasmuch as your orator is without

remedy at law and only entitled to relief
in court of equity where such matters are
peculiarly cognizable. He therefore prays
that Lucy M. Vick and Samuel Vick
Richard Vick, Susan Vick and Mary Vick
born infants by some fit and proper person
their guardian ad litem appointed for that
purpose may be made parties defendant
to this bill and compel them as full and
perfect answer make to the allegations therein
contained as if they had been themselves more
fully and specially interrogated. That the
court if satisfied the same will cannot be
divided then that your Honor would
direct a sale of the same and a division
according to the rights of the parties
and that the court would grant such
other and general relief the premises
considered as equity may dictate and the
nature of this case may require and as
in duty bound your Obedient will ever remain
Shadrach

Received June 14th 1869 of the Clerk of the Circuit Court of Southampton County the
bond returned with & referred to in the within report

Wm. J. Lane Esq.

Commissioner's Report
to the Court

1869 Aug 19th

Wick

as 3 Commissioners Report

Wick

The undersigned appointed a special commissioner for that purpose begs leave to report that in obedience to a decree of the circuit court of Southampton entered at the May term 1867 that after leaving from the notice prescribed he did on the 17th of June 1867 at the court house proceed to sell at public auction to the highest bidder the mill wharf Robert Wick did sell and proposed and that Willis Bradshaw became the purchaser for the sum of \$425 - and after deducting the cost, viz. commissioners \$17.50cts attorney fee \$20, Clerk's tickets \$5, auctioneer \$10 stamp 30cts in all \$53 he himself returns Willis Bradshaw's bond with security for \$372 to the court all of which is Respectfully submitted this 19th of August 1867 by

Wm. H. Vain Commissioner

Wicks

m

Wicks

Comp. Report

1868 April 15th

"A"

The Estate of Robert H Vicker dr. In accounts with Tracy M Vicker his administrator

1867		Dr	Cr
Apr 1	By Cash found in house		350 00
"	" received of William & William for Union road		50 00
"	By cash recd of Wm Kitchen		8 00
"	" " " from sale of timber		100 00
"	" " " F. Vicker		5 37
"	" " " Sale of timber		62 62
"	To paid Wm of Holmes Courtable judgment in favor of James Leonard as R H Vicker's Estate	82 82	
"	To paid Wm of Holmes Courtable judgment in favor of Wmley Bradshaw as R H Vicker's Estate	7 00	
"	To paid 79 Melbourn road. Wick	49 00	
"	" " do Ouster acct.	11 17	
"	To Commission on \$575.58	28 75	
"	" paid J B Vicker acct.	3 38	
"	" Wm W. R. Vicker acct.	19 62	
"	" " Taxes for 1866	10 00	
"	" Geo. W. Gardner acct.	15 58	
"	" J B Hanley's labor on farm	200 00	
"	" S B Keller and wife	10 50	
"	" Wm Johnson's acct.	24 00	
"	" George Wain	30 00	
1868	" " R. M. Dole and wife	120 50	
Apr 1	Balance due Estate	131 12	
1868		575 98	575 98
Apr 1	By Balance due Estate brought down with interest from this date till paid		\$131 12

Respectfully submitted
Wm H Packer Compt

"B"

An account showing the full simple value of Lucy Mc Vick in the sum of one hundred and twenty four Dollars & twenty four and one third cents in time of her life estate in the whole of the same, it being one third of three hundred and seventy two dollars and seventy three cents.

Your Commissioner reports to court that an indebtedness to Vick is 32 years of age and that her expectation of life is 30 years and that on calculation she is entitled to \$58.50 in full simple -

W. H. Williams

Comp.

Commissioner of the

General April 11th 1868

In the Circuit Court of Southampton County

Remains

In a decree of the Circuit Court of Southampton County rendered at its November term 1867 in the case of Vick & Co. Lucy Mc Vick & others, your Commissioner reports to court that the following accounts in said cause were referred to the jury designed for settlement viz 1st the account of Lucy Mc Vick's transactions as administratrix of R. H. Vick's estate 2nd the account showing the full simple value of Lucy Mc Vick in the sum of one hundred and twenty four dollars and twenty four and one third cents in time of her life estate in the whole of the same it being one third of three hundred and seventy two dollars and seventy three cents. 3rd the account of all outstanding debts against the estate of

R. H. Vick died, and that under said decree your Commissioner reports the two foregoing accounts marked respectively "A" & "B". Your Commissioner further reports that as far as he can ascertain, there are no debts now outstanding against the estate of R. H. Vick died, and therefore no account of the same returned - Your Commissioner further reports to court that after completion of said accounts, that the same were retained in his office ten days for examination of parties which with the decree on behalf returned to court. Given under my hand as Commissioner aforesaid, the day and year aforesaid.

W. H. Williams

Commissioner

Comp. for \$150.00

Chg. to parties }

Tick by us

as 3

ticks

Deposition

The deposition of George W. Vick and
Daniel Vick taken ^{the 2nd of May} by Consent of parties
in presence of the guardian and Helen
Morgan Linn to be read as evidence in
a certain suit now pending by Wm Vick
by vs Lucy W. Vick is als

George W. Vick having been first duly
sworn deposes and says. I believe it to ^{the} interest
of the Estate to sell the Mill as it is in a rotten
condition and unless it is rebuilt in a short
time it will go down, it cannot be devised
without a sale of said Mill. I think it
would cost some three hundred dollars and
I do not think the Estate can rebuild it.
I suppose the Mill and seat is worth two
hundred & fifty dollars.

Geo. W. Vick

Daniel Vick having been first duly
sworn deposes and says he concurs
fully in the statement of George Vick
given above

Daniel Vick

Southampton County, Va

The above depositions were taken and
subscribed before me a justice of the peace
for Southampton on the day above written
given under my hand this 2nd of May 1867

Morgan Linn

Tick by wa

as 3

Books

Amount of Lady M. Tick

$$\begin{array}{r} 131.12 \\ 43.70 \\ \hline 87.42 \end{array}$$

The answer of Lucy M Vick to a bill of
complaint by Wm Vick vs her in
the circuit court of Southampton

For answer to the said bill or
as much thereof as she is advised it is material
for her to answer answering says, that her
husband and intestate did owing very little
that she has more than sufficient funds
to meet all the debts and demands against
the estate, and thinks it would be to the
interest of all the parties concerned to
sell the mill as it is now going to decay
that neither she or any of her children
who are small can attend to it and
therefore she desires the sale for partition
and is willing to receive such a portion of
the purchase money in lieu of dower as
the court may award and leaving
fully answered every thing to be dismissed
with her costs

Shames for deft

Received by consent

Wm B Shames

attorney for plain^{tiff}

Vick

a { Gomer's Pond

Vick

Know all men by these presents that we Shugars Laim Wm St.
Stephenson

are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of Five hundred 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 20th day of May —
A.D. 1867

The Condition of the above obligation is such that whereas at a Circuit Court held for the County of Southampton on the 3^d day of May 1867, by a decree of the said Court entered in a suit in Chancery therein pending between Wm. Vick an infant &c. Plaintiff and Lucy W. Vick & others Defendants, the above bound Shugars Laim was appointed Special Commissioner to make sale of the mill in duell in the proceedings mentioned, whereof Robert Vick died seized. Now if the said Shugars Laim shall faithfully discharge the duties of his said trust as such Commissioner according to law under the aforesaid decree and under any subsequent decree which may be made in the cause then the above obligation to be void or else to remain in full force and virtue —

Shugars Laim (Seal)
W. H. Stephenson (Seal)
(Seal)

In the Clerks Office of the Circuit Court of Southampton County the 20th day of May 1867

This bond was acknowledged by the obligors thereto before me in my Office aforesaid and Wm St. Stephenson the security thereto made oath that his estate after the payment of his just debts is worth the sum of five hundred dollars, the penalty of the said bond — as he verily believes.

E. R. Edwards Clk

Pick
as 3 Commissioners
Pick Report

1869 July 22^d

Pick
as 3 Commissioners Report
Pick

The undersigned commissioners beg leave
to report that in obedience to a decree
issued at the May term 1869 of this court
he withdrew the bond mentioned from the
clerk's office and James Pick the guardian
of the infants having executed the bond
of \$500 required in this court he
gave over the bond to him in his right
as guardian and as agent of his wife
Lucy Pick as well appeared by Sticks
nupt certificates where All of which
is respectfully submitted by
Shugart Lane Commissioner

July 19th 1869

Jan 21st 1869 Received from Shugart
Lane a bond on Willis Broadshaw and J. M.
Vick for \$373.73 etc the said bond being
paid over to me by the said commission
as the property of Robert Vick of the
children and Lucy M Vick and this is a
receipt for myself as guardian and for
my wife Lucy M Vick for whom I am
authorized agent

Geo B Vick Guardian for
Saml. A Vick

Wm. P Vick

Susanna P Vick

Rachel Vick

Mary A Vick

and Lucy M^{vick} of whom

Geo B Vick is agent

4
Vick by me

no 3

Vicks

Answer of infant
defendants

The answer of Samuel, Richard, Susan, and
Mary Vick from infants by Shugan Laine
their guardian ad litem a bill of complaint
by Mrs Vick by me vs them is als in Circuit
Court of Southampton

This defendant in answer to the said
bill on as much thereof as he is advised it is
material for him to answer, answering say
that he knows nothing of the facts set forth
in the plaintiffs bill but submits the interest
of his ward to the care of this court
whose judicial duty it is to protect the rights
of infants and having fully answered
prays himes to be discharged with his costs
Shugan for depts

Rec'd by court

Wm B Shuman counsel
for plaintiff

Vicks
as 3 Decm

Vicks

Nov. co. 1867

To be entered

(R. 14. B.)

Vick

or 3 Decem

Vicks

This day this cause came on again to be heard on the papers formerly made and the report of special commissioners Shuman Laine appointed to see the mill belonging to the estate of Robert Vick dec'd to which no exceptions have been filed and was argued by counsel on the consideration whereof the court doth adjudge order and decree that the said report be confirmed and that Lucy M Vick do settle an account of her transactions as administrator of Robert Vick dec'd before one of the commissioners of this court who is also directed to ascertain the true simple value of the said Lucy M Vick in the sum of \$124.24 per cent less of her life estate in the whole of the same it being one third of \$372.73cts The amount of the bond returned by the commissioners for the sale of the mill and also to take an account of all the debts outstanding against the estate of the said Robert Vick, who is directed to examine state and settle the said accounts and make report thereof to the court with any matters specially stated deemed pertinent by himself or which may be required by any of the parties to be as statute

Vick by me

as 3 Decem.

Vicks

By consent of parties this day this cause came on to be heard on the plaintiffs bill, answer of the defendants and general replication thereto depositions filed and was argued by counsel on the hearing whereof the court doth adjudge order and decree that Shugan Laine who is hereby appointed a special commissioner for that purpose shall after having given at least twenty days notice of the time and place of sale by public advertisement at the court house and one or two public places in the immediate vicinity of the mill proceed to sell at public auction at Jerusalem on some county court day to the highest bidder the mill in the bill named whereof Robert Vick doth seized and proposed on the following terms to wit, sufficient cash to defray the costs of this suit, and expenses of the sale, the balance on a credit of twelve months ^{payable to the commonwealth of Virginia} taking from the purchaser bond with good and sufficient security, retaining the title until all the purchase money shall have been paid, and the said Shugan Laine is further directed to return the said bond to the clerk's office along with his report which is to be made in order to a further decree, But the said commissioner shall not proceed to act under this decree until he shall have executed in the clerk's office of this court a bond in the penalty

To five hundred dollars (\$500) conditioned
for a faithful performance of this deed
and any subsequent one which may be
made in this cause.

Pick by me
as 3 Queen
Picks

May 20 1867
To be entered

R. A. Barker

Vick

~ } Co. Deane

Vicks

Southampton Circuit Court Minutes Term 1867.

W^m. Vick an infant who was by Leonard Cobb his next friend, Plff.
against
Lucy M. Vick & Saml. Vick, Rich^d Vick, Susan Vick and
Mary Vick, the four last infants by Sugars Cain their Guard ad. litem, Defts.

This day this Cause came on again to be heard on the papers formerly
read and the report of Special Commissioner Sugars Cain, appointed to
sell the Mill belonging to the Estate of Robert Vick, dec^d. to which
no exceptions have been filed, and also argued by Counsel, on the
consideration whereof the Court doth adjudge, Order and Decree, that
the said report be confirmed and that Lucy M. Vick, do settle an
account of her transactions as administrator of Robert Vick dec^d.
before one of the Commissioners of this Court, who is also directed to
ascertain the full Simple Value of the said Lucy M. Vick in the
Sum of ~~one~~ hundred & twenty four dollars, twenty four and one third
Cents, in Lieu of her life Estate in the whole of the said, it being
one third of Three hundred and seventy two dollars and seventy three Cents,
the amount of the bond returned by the Commissioner for the sale of
the Mill, and also to take an account of all the debts outstanding
against the Estate of the said Robert Vick, who is directed to
examine, State and settle the said accounts and make report
thereof to the Court, with any matters specially stated, demanded
pertinent by himself, or which may be required by any of
the parties to be so stated.

Attest

Juste

L. R. Edwards Clk

85.82

Vick

7 } Co. D. 1861

Vick P

At a Circuit Court held for the County of Southampton, at the Court House
therein, on Friday, the 3rd day of May, 1867.

W^m Vick an infant who sues by Demand Cobb his next friend ~~Plff.~~
against

Luz M. Vick & Saml. Vick, Richd. Vick, Susan Vick &

Mary Vick, the four last infants by Eugene Laim this Grand Juror, Defts
By consent of parties this day this cause came on to be heard on the plaintiffs bill
answer of the infant defendants replication thereto, depositions filed and was argued
by counsel - On the hearing whereof the Court doth adjudge order & decree that
Eugene Laim, who is hereby appointed a special Commissioner for that purpose,
shall after having given at least twenty days notice of the time & place of sale,
by public advertisement at the Court House and one or two public places in the
immediate vicinity of the Mill proceed to sell at public auction at Jerusalem on
some Court day, to the highest bidder, the Mill in the bill named whereof
Robert Vick died seized & possessed, on the following terms, to wit, sufficient cash to
defray the cost of this suit & expenses of the sale, the balance on a credit of twelve
months, taking from the purchaser bond payable to the Commonwealth of Virginia
with good & sufficient security, retaining the title until all the purchase money shall
have been paid, - And the said Eugene Laim is further directed to return the said
bond to the Clerks Office along with his report, which is to be made in order to a
further decree - But the said Commissioner shall not proceed to act under this
decree until he shall have executed in the Clerks Office of this Court a bond
in the penalty of five hundred dollars (\$500.00) conditioned for a faithful performance
of this decree, and any subsequent one which may be made in this cause.

Otherwise \$5.

Attest

Teste J. R. Edwards Clk

Vick
vs 3 June
Vick

Vick
273 Decr
Vick

This day this cause came
on again to be heard on the papers
formerly read and the report of Special
commissioner Shugart Lane made pursuant
to a decree entered at the May term 1869
of this court and to which no exceptions
have been filed and was argued by counsel
on consideration whereof the court doth
adjudge, order and decree that the said
report be confirmed

Vick

vs3 Deems

Vick

This day this cause came on again to be heard on the papers formerly made and the report of Commissioner Portlow made pursuant to a decree entered at the November Term 1867 and to which no exceptions have been filed and was argued by counsel. On consideration whereof the court doth adjudge order and decree that the said report be confirmed and that Slingsby Lane the commissioner named withdraw from the papers in this cause the bond for \$373.75 to be executed by Willis Bradshaw and J. M. Vick to the Commonwealth of Virginia and collect the same and it appearing from the said report that there are no debts outstanding against the estate of Robert Vick the said Slingsby Lane will after paying such costs as shall have accrued since the last decree pay to Lucy M. Vick the sum of \$98.50 in lieu of the life estate in one third of the said money and the residue pay over to the lawful guardian of the infant children of Robert Vick and return his receipts along with his report to this court in order to be further decreed and the court doth further adjudge order and decree that Lucy M. Vick deliver to Robert G. Vick pay to the lawful guardian of the infants named in the bill the sum of \$87.42 or the balance due

There on the commissioners report

But before the said commissioners shall
pay over to the lawful guardians of Robert
the Wick's children the said guardians shall
execute an additional bond in the penalty
of five hundred as guardian of the
said children and a copy of the said bond
and the ~~commission~~ receipt to the commissioners
returned with his report.

Attest
23rd Dec
1833

John
W. Wick
John
W. Wick

Saukrappton County Circuit Court. May Term 1869.

William Vick and Infant who live by Leonard Cobb his next friend, Plffs. In
Against
Lucy M. Vick & Saml. Vick, Richard Vick, Susan Vick &
Mary Vick, the four last infants by Shugars Sam their Guardian ad litem Dfts. Chancery

This day this cause came on again to be heard on the papers formerly read & on the report of Commissioner Sutton made pursuant to a decree entered at the November Term 1867, & to which no exceptions have been filed & was argued by Counsel, on consideration whereof the Court doth adjudge, order & decree, that the said report be confirmed, & that Shugars Sam the Commissioner named, withdraw from the papers in this cause the bond for three hundred & seventy three dollars & seventy five cents, executed by Willis Bradshaw & J. M. Vick to the Commonwealth of Virginia & collect the same, & it appearing from the said report that there are no debts outstanding against the Estate of Dolt. Vick, the said Shugars Sam will after paying such costs as shall have accrued since the last decree, pay to Lucy M. Vick the sum of Ninety Eight dollars & fifty cents, in lieu of her life Estate in one third of the said money & the residue pay over to the lawful Guardian of the infant children of Dolt. Vick & return his receipts along with his report to this Court, in order to a further decree. And the Court doth further adjudge, order & decree, that Lucy M. Vick adm. of Dolt. St. Vick, pay to the lawful Guardian of the Infants named in the Bill the sum of Eighty seven dollars & forty two cents, the balance due them on the Commissioner's report. But before the said Commissioner shall pay over to the lawful Guardian of Dolt. St. Vick's children, the said Guardian shall execute an additional bond in the penalty of Two hundred dollars, as Guardian of the said children, & a copy of the said bond & the receipt to the Commissioner returned with his report.

Attest - Teste,

L. R. Edwards D.C.

Vick

v } Copy done

Vick

1878. May. Removed from
the Docket

Clerk's Copy of 3.02-