

1881-14

Southampton County Chancery - Pretlow, Thomas J (et al) vs Massenberg, Lucy M.

Sues for dower &
division of Real Estate

Pretlow, Nannie (wife)
Massenberg, Bettie M.

Massenberg, Helen C.
(a minor)
Massenberg, T. J.
(Guardian Ad

Reflow tal

by 3

Massenburg tal

Bill -

1879 April Rules

To the Hon George R. New

Judge of the Circuit Court of Southampton County -

Humbly explaining shew unto your honor
Complainants Thomas J. ReFlow & Nannie ReFlow his wife, and
Nettie M. Massenburg, of said County, and respectfully rep-
resent as follows:

That in the year 1876 Dr. William A. Massenburg
departed this life, intestate, and ~~that~~ the said Thomas J.
ReFlow has qualified as his Administrator -

That the said William A. Massenburg was
seized and possessed, at the time of his death, of a certain
tract or parcel of land lying in said County, and
supposed to contain five hundred and eighty one
acres more or less and bounded by the land lately
owned by Moody Smith deceased and by the Notta-
way Swamp - it being the same tract in which
the said W. A. Massenburg resided previous to
his death.

That the said W. A. Massenburg left as
his only heirs at law his widow, the said Nettie
M. Massenburg, (to whom dower has never been
assigned) and his three children to wit Nannie,
(who has intermarried with the said Thomas J. ReFlow)
Lucy M. Massenburg and Helen C. Massenburg,
the said Helen C., a minor -

Your orators would respectfully state that
there is a suit now pending in this honorable Court,
the style of which is Massenburg vs Massenburg, &c,
which said suit was brought by creditors of the said
Wm. A. Massenburg, a special reference to which
said suit is hereby intended to be made, in order

That the same may be considered in connection with
this suit.

~~Youratrix the said Belle McMassey~~
Your complainants pray that the said Lucy
McMassey and Helen McMassey
be constituted a minor by some proper person
as guardian ad litem may be made parties
dependant to this Bill and required to answer
its allegations specially—

Youratrix the said Belle McMassey
prays that your honor would appoint
suitable persons, whose duty it shall be to
assign to her dower in the real estate of which
her said husband died seized and possessed.

And your complainants the said Thomas
J. Rathen & Annie his wife pray that Com-
missioners may be appointed to allot or assign
to them one part and equal third of the residue
of said real estate, after the assignment of
dower, provided it may not be necessary to
sell the same for the payment of the just
debts and demands against the estate of the
said ^{late} Thomas J. McMassey— or that the same
may be sold, and one third of the net proceeds
of the purchase money, after the payment of
debts as aforesaid, may be paid over to them.

Your complainants, being without remedy
save in a Court of equity as the Honorable Court is,
pray that your honor would grant such other and
general relief, the premises considered, as equity
may dictate & the nature of the case may require.

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

Thos J. Rathen
Annie Rathen

Executed by delivering to Mrs
Othello Massenburg a true copy of
this ~~same~~ ^{Summons} for herself and also due
to her for Miss Lucy in Massenburg
April 4th 1879

W.W. Briggs Shff.
by J.W. Lawrence Deputy

Partners & Co. 10

20

Sumner
Shy

Massachusetts

1879 April 11th

Not paid

3

The Commonwealth of Virginia.

To the Sheriff of Southampton County: Greeting.

We command you to summon *Lucy M. Hapenburgh of Mecklenburg Co. Hapenburgh, the last named Helmut C. Hapenburgh & Minnie*
by J. P. Peltner his Guardian ad litem -
to appear at the Clerks Office of our *Circuit* Court for South-
ampton County, at the Rules to be holden for the said Court on the first
Monday, on *April next* to answer, *a bill in*
Chancery exhibited against them in our said County
by Melvin J. Peltner of Nanaimo his wife of Betty
Hapenburgh

and have then there this Writ: Witness, Littleton R. Edwards, Clerk of
our said Court, at the Court House this *3rd* day of *April* 187*9*
in the *103rd* year of the Commonwealth.

L. R. Edwards cl^k

Pettow & wife &c
17 3
Massenburg &c

Answer of Helen
C. Massenburg

The separate answer of Thos J. Pretlow
Guardian ad litem to Helen C. Mapeburg as
minor to a bill of Complaint filed against her
in the Circuit Court of Southampton County by
Mrs. Bettie M Mapeburg, & Thomas J Pretlow
& wife -

This respondent for answer to so
much of the Complainants bill as she is ad-
vised is material for her to answer. - says she
submits her interest to the protection of this
honorable Court, and having so answer-
ed prays hence to be dismissed -

Thos J Pretlow Guardian ad litem &c
by J. J. Kindred Atty

Pretlow & wife W
17 3 Decem
Mapeburg &c

May Term 1879

To be entered

Prettow & wife

vs

3

Decree

Mapenbury &c

This day this cause came on to be heard on the bill of Complaints. The answers of the Defendant ^{in fact} ~~with~~ ^{Helena C. Mapenbury} ~~with~~ ^{was taken for confessed as to the Defendant Lucy M. Biggs} general replication thereto and was argued by Counsel. On consideration whereof and it being suggested to the Court that since the institution of this suit the said Lucy M. Mapenbury has ^{intermarried with a Mr. Biggs it is ordered that this suit shall hereafter be conducted in their names} of the Court doth advise and decree that Luther R. Edwards, Isaac A. Kitchen, Gilham Edwards, D. T. Webb and John Moore any three of whom may act be and they are hereby appointed Commissioners for the following purpose: to wit: That the said Comrs so acting, allow or assign ~~one just and equal third in value of all of the Real Estate to Mrs. Prettie M. Mapenbury, widow of Wm A. Mapenbury dec'd. One just & equal third in value of all the Real Estate, of which the said Wm A. Mapenbury died seized & possessed, or of which he was seized & possessed during the Coverture and to which the said widow never made her relinquishment or was otherwise legally barred~~ ^{to be held by the said Prettie M. Mapenbury as her dower} And the said Comrs so acting shall proceed further to enquire and report whether the residue of the Real Estate of which the said Wm A. Mapenbury died seized & possessed can be conveniently divided in kind into three just and equal portions, taking into consideration an indebtedness of \$1666. ^{with interest on thereon from May 5, 1879.} still due from the Est of said Wm A. Mapenbury, as evidenced by the report of Court

on 25 April 1879

Sebell filed in suit of Mapenburg vs Massen-
burg & others, and now pending in this Court,
or whether it is more advantageous to the interest
of all parties ~~concerned~~ interested, to assign
the whole of said residue, to any one of the
parties who is willing to accept the same, and
pay therefor a reasonable compensation ~~there~~
for the other parties, or whether it is necessary
to sell the same, for the purpose of effecting
a division of said Real Estate, among the
parties entitled thereto.

And in either case the said Court
so acting are directed to report their Con-
clusion to Court with their reasons there-
for. And if the said Court find it practi-
cable to divide the residue of said Real Estate
into three just and equal shares, subject to the
said debt of \$1666⁰⁰ with interest as aforesaid
they shall ^{by metes and bounds, employing a surveyor if necessary} proceed to do so and allot or assign
one share to Nannie Pretlow (formerly Mapenburg)
wife of Thos. J. Pretlow; to Lucy M. Biggs (formerly
Mapenburg) wife of Asa T. Biggs, one share; and the
other share to Helen C. Mapenburg.

And the said Court are directed to report
to Court.

Mo^r J. Blow & wife

as 3

Pettie M. Massenburg & Co

Deare,

To be entered

Nov 7th 81

Geo. Blow
—

No. 1 Bethow wife

^{vs}
Betty M. Massenburg et al } Deceit

The purposes of this suit having been accomplished in the suit of Massenburg vs Massenburg now pending in this Court, —
On motion of the Complainants —
Ordered that this suit be dismissed from the docket.

22 ~~in 1888~~

Prattlow Y. M. W. 88-

v } Stat. Rules

Massemburg

1881 November

In Southampton Circuit Court

Thomas J. Pricklow & Fannie Pricklow his wife and Bettie M. Mafsenburg Plffs
Against
Lucy M. Mafsenburg & Helen C. Mafsenburg a minor. Defendants

1879 April 3^d Summons issued returnable to April Rules

" " R. Sum^s ret^d executed on Helen C. Mafsenburg & left a copy with her
for Lucy M. Mafsenburg. Bill filed - T. J. Pricklow assigned Gen^l ad
lit^{em} for H. C. Mafsenburg

1881 Nov T. Dismissed