

1881=19

Southampton County Chancery - Scarbrow, Wm. et als, vs Scarbrow, Nancy et als
(Widow)

sale of land to divide property

Scarbrow, Martha

" , John

" , Phebe

" , Colin

Joyner, Sink

" , Mary

Minors { Scarbrow, Josephine
" , James

by Briggs, Wm. W.
Guardian

The Clerk will please dismiss the
chancery suit of Scarbrow
vs Scarbrow, from the docket

Oblige J. J. Hendon

Nov 12th 1870

105 94

Scarbow's

101 3
Scarbow to others

Bill

1874 September Rules

To the Hon Judge of the Circuit
Court of Southampton County -
In chancery -

Humly complying shew unto
your Honor your complainants,
William Scarbrow, Martha Scar-
brow - John Scarbrow - Phebe Scar-
brow & Colin Scarbrow and respect-
fully represent as follows -

That John Scarbrow their father
deceased this life many years
since intestate - That his estate
has long since been finally set-
tled - That he left as his only
heirs at law your complain-
ants (his children) his widow, Nan-
cy Scarbrow who still survives,
and the following other children,
Trist, Mary Scarbrow who has in-
termarried with Simeon Joyner -
and Josephine Scarbrow and James
Scarbrow, the two last-named mi-
nors) -

That the said John Scarbrow
was seized & possessed, at the time
of his death of a small tract of
land, of little value, lying in the

said County of Southampton, supposed
to contain about fifty acres more
or less, it being the same which was
granted & conveyed to the said John
Scarbro by his father John Scar-
bro Senior and is bounded by the
lands of Dr Thomas J. Pettow, George
Bryant & others -

Your Complainants are advised
that they together with their sisters
Mary (now married to Sirik Pryor) Joseph-
ine and their brother James (and their
mother Mary Scarbro, who is entitled
to dower therein) being the only heirs
and parties interested in the said tract
of land, (the said Complainants being
of full age) have a right to demand
a partition of the same, which they
now ask of the honorable Court -

And as, owing to the number
of parties interested in the subject
matter & the smallness of the tract
of land, partition in kind is imprac-
ticable, your orators humbly pray
that a sale of the same may be
ordered on such terms as the Court
may prescribe, for the purpose
of effecting such division -
that a just equivalent, in lieu of
her right of dower, may be directed

to be paid in fee-simple to the
said Nancy Scarbrow, widow of
the said John Scarbrow and the
residue ^{of the purchase money} divided equally among
the children of the said John Scarbrow
that the said Nancy Scarbrow
Pink Dyner & Mary his wife —
Josephine Scarbrow & James
Scarbrow (by a guardian ad litem)
the two last-named) may be made
parties defendant to this bill &
required to answer all its allega-
tions specially &c.

That your honor would grant
such order & several relief as,
in equity, the nature of the case
may require —

And, as in duty bound, your ~~humble~~
advocate will ever pray &c

May it please the Court &c

Jno J. Knicker

per

Service of the within notice acknowledged
for Nancy Scarbrow & Lark Hyndman
this 7th September 1874 $\frac{3}{3}$ By Geo D. Hendon
their Attorney

I acknowledge service for the
Infants.

W W Percival

Scarbrow & Hyndman
in
Scarbrow & Hyndman

1874 Sept. Rules

Per. at:
"

The Commonwealth of Virginia

To the Sheriff of Southampton County Greeting:

We command you to summon Nancy Searbrow, Simeon Searbrow, and Mary his wife Josephine Searbrow, and James Searbrow the last two infants by W. H. Ringe Esq. ad Litum if they be found within your bailiwick, 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 September next to answer a bill in chancery exhibited against in our said Court by Wm Searbrow, Martha Searbrow Dr. Searbrow, Thos Searbrow and Collis Searbrow

And have them show this writ. Witness William P. Edwards clerk of our said Court at the Court house this 5th day of ~~August~~ ^{September} 1874, in the 99th year of the Commonwealth.

W. P. Edwards Clk.

Scarbro's

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Scarbro's & al.

Chesman

The Joint & several Answer of
Nancy Scarborough (widow of Geo Scarborough)
& of Simeon Dwyer & Mary Dwyer (his wife)
who was Scarborough, to a Bill filed against
them in the Circuit Court of Southampton
County, by William Scarborough & others -

The Respondents for answer to
so much of the Respondents Bill as
they are advised it is material for them
answer say that they have no objec-
tion to the granting of a Decree for
the sale of the real estate in the
Bill mentioned as prayed for in
order to effect a division of the
same - these Respondents believing
that a division in kind is wholly
impracticable owing to the small-
ness of the tract of land & the num-
ber of heirs desire & request that
a sale may be ordered on such
terms as the Court may direct.

And having answered pray to
be hence dismissed - but their rea-
sonable costs &c -

May it please the Court &c.!

Geo. I. Kinnard
Atty for Nancy Scarborough
& Simeon Dwyer & Mary Dwyer

Scarbro's
27th
Scarbro's & Co
Chicopee

The joint & several answer of
Josephine Scarbrow & James Scarbrow
(minors) by Wm W. Briggs their guardian
ad litem to a Bill filed against
them in the Circuit Court of South-
ampton County, by William Scarbrow
& others -

These Respondents for answer
to so much of the Bill of complain-
ants as they are advised it is ma-
terial for them to answer say
that they are infants of tender
years ignorant of their rights and
submit them to the protection of
the Court.

and having answered pray to be
dismissed &c.

W W Briggs Guardian
for Josephine & Jas Scarbrow

Scarbro's

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Scarbro's & al

Report of Cms^r

In pursuance of a Decree of the Circuit
Court of Southampton County, rendered at the
October Term 1874 -

We John W. Briggs, Geo. A. Sebrall
and Joseph B. Prince, Commissioners
appointed by said Decree respectfully
report to the Court that we are
well acquainted with the tract
of land of which John Scar-
brow did seized & possessed -
Supposed to contain about fifty
acres and are of opinion that
a division in kind of the said
real estate among the heirs of
the said John Scarbrow wholly
impracticable and that a sale
will be necessary to effect said
division -

Respectfully Submitted
to the Circuit Court.

Joseph B. Prince
John W. Briggs

Geo. A. Sebrall

Commissioners

Scarbro' 1

21
Scarbro' 1 xae

Decree

October term '74

To be entered -

Geo. B. Hunt

Scarbrov's

vs

Scarbrov's & others

This Cause was this day heard
on the Bill of Complaints, Answer &
Defendants, ^{filed by leave of Court} ~~Application~~ ^{Rejoinder} & Exhibits
it's filed, in consideration whereof
the Court did adjudge order & decree
that W^m W. Biggs, John A. Selwell
& Joseph B. Rince be appointed Com-
missioners who shall report to this
Court whether a division in kind
of the tract or lands of which John
Scarbrov lately died seized (supposed
to contain fifty acres more or less) is
practicable among his eight children
or his heirs, after apportioning down
to the widow of the said John Scarbrov,
Nancy Scarbrov -

And report as early as convenient
to the Court.

And if the said William Scarbrow should re-
fuse to undertake the duties imposed by the decree
then William W. Briggs Sheriff is hereby ordered
and directed to discharge the same in like
manner as before prescribed.

Scarbrow's

vs

Scarbrow's exal

Dece

October term '74

To be entered -

Wm W Briggs

Scarbro'

or

Scarbro' & others

This day the cause was again heard on the papers formerly read & the Report of Commissioners Briggs, Selwell & Prince this day filed by leave of Court to which ~~Said~~ Report is confirmed: on consideration whereof the Court doth adjudge, order & decree that William Scarbro' be & he is appointed a Commissioner for the purpose -

That the said Scarbro' sell at Auction after having duly advertised the same on a credit of one two and three years, except sufficient in Cash to defray the expenses of the said the Tract of land of which John Scarbro' lately died seized & possessed, lying in Southampton County, supposed to contain fifty acres more or less & bounded by the land of Thomas J. Rethow, George Bryant & others that the said Commissioner take from the purchaser bond with sufficient personal security for the deferred payment, return the same to Court with his Report, & retain the title till the whole purchase money is paid -

But the said William Scarbro' shall execute before proceeding to execute this decree shall execute in the Clerk's office of the Court bond with sufficient personal security in the penalty of five hundred dollars conditioned for the faithful performance of the duties hereby required -

Scarbro

17 3

Scarbro & Co

Deer

To be entered

Nov 7th 81

G. T. Brown

Scarbro

vs & Deener,
Scarbro et al

On motion of the plaintiff -
Orders That this suit be dismissed from the
docket, with the privilege of re-instating
the same to the docket, on motion of any
party interested in said suit, on the return

546
 144
 36
 72
16

~~30~~ 22

Scarborough
 } Stat. Rules

36
 40
76

Scarborough

1888 November

To be despatched under
 enclosed

In Southampton Circuit Court

William Scarbrow, Martha Scarbrow, John Scarbrow, Phoebe
Scarbrow, & Collin Scarbrow.

against

Nancy Scarbrow, Simeon Sawyer & Mary his wife & Josephine Scarbrow
& James Scarbrow infants by Wm. W. Briggs their Guardian ad litem

1874

Sep 5
R

Summons issued

returned acknowledged Bill filed Wm. W. Briggs assigned
Guardian ad litem to infant Defts Josephine & James Scarbrow D. Wise
to adult Defts.

Oct
T

Bill taken for Confiscated as to adult Defts. & Cause set for hearing as to them
Defts for sale

1881 Nov T. Dismissed