1897-30 Southampton County Chancery- Vick, W.P. vs Hicks, Benjamin (Admin.) etals

asks the court to set aside the Homestead Rights and sell all the real & personal property to settle debt.

Minors
- Hicks, Virginia
- Hicks, Ronnie
- Hicks, Haywood W.
- " , Lonnie
- " , Nettie
- " , Philmore
- " , Arthur
- James Randall

Sebrell, James N, Jr. (G.A.L)

Vick W. P.

v. Bill Bk.

Hicks et al.

1895. 1st Mch Rules
filed 9 M. 7 Cc.

JAMES L. McLEMORE,
Attorney-at-Law,
COURTLAND, VIRGINIA.

Everett Waddey Co., Stationers and Printers, Richmond, Va.

1

To.

The Hon. Rob. R. Prentis, Judge of the Circuit Court for Southampton County

Humbly complaining your orator W.P. Vick, showeth unto the Court the following case: That Warren Hicks departed this life some time during the year 1893, leaving a widow Virginia Hicks and seven infant children to wit: Ronnie Lonnie W., Haywood, Nellie, Philmore, Arthur, and James Randal Hicks; that at the time of his death, he was seized of real estate in the County aforesaid of considerable value, and also possessed some personal property; that at the time of his death he was, and now is indebted to your orator in the sum of about $200. evidenced by five several notes filed herewith as Exhibits "1, "2, "3." "4." "5." all of which are signed by the said Warren Hicks and waive the benefit of the Homestead Exemption.

Your Complainant state further that on the 8th day March 1894, Virginia Hicks wife of the decedent, set aside by a writing duly recorded, all of the said real estate and also the personal estate of the decedent as a Homestead, whereby was left nothing

of realty or personalty and of which your orator could resort, save the Homestead as aforesaid - See copy of the writing setting aside Homestead "X" marked

Your orator is advised, avers and charges that as against his debt, the Homestead as set apart is not effective and cannot serve to shield the same from his debts which waive the right to claim the same. and that he is entitled to have the said real and personal property sold subject to the Widows dower interest in the realty.

In Tender consideration whereof and for as much as your Complainant is without remedy save in this Court where all such matters are alone and properly cognizable to the end, therefore, that justice may be done your complainant prays that Virginia Hicks, Romine, Lonnie, W., Haywood, Nettie, Philmore, Arthur and James Randal Hicks the last seven infants, be made parties defendants to this bill required to answer the allegations contained in the same, that a proper and discreet guardian ad litem may be assigned the infant defendants; that the property both real & personal of the debtor decedent may be sold and your orators

debt paid to him. That all such orders & decrees may be entered, accounts taken, and such general and special relief granted to your complainant as the nature of his case may require or to equity may seem meet

And your orator will ever pray &c.

Jas L. McLemore p.q.

Vick
v. Amended Bill
Hicks' Admr et al.

1895. May 22nd filed
L.A. Gay Clk.

McLemore p.q.

To

The Hon. Robert R. Prentis Judge of the Circuit Court for Southampton County.

The amended bill of your Complainant W. P. Vick, respectfully showeth that the Court that some time during the year 1893. Warren Hicks departed this life, leaving a widow Virginia Hicks and seven infant children, to wit: Romine, Lonnie W, Haywood, Nellie, Philmore, Arthur and James Randal Hicks; that at the August term 1893 of the County Court Benjamin Hicks qualified as administrator of the aforesaid decedent's effects, a copy of which order of qualification is herewith filed marked "A." as a part of this bill.

That at the time of his death, he was seized of real estate in the County of Southampton, near Hicksville of considerable value, and was also possessed of some small amount of personalty which latter estate has long since been consumed in the payment of Costs of administration rather items of prior dignity to the general claims. that your complainant holds five several bonds against said Warren Hicks amounting in the aggregate to about $200. wherein there is a waiver of the Homestead Exemption which bonds are filed herewith as exhibits "1" "2" "3" "4" + "5" in the papers of this cause.

Your Complainant further showeth that on the 8th day of March 1894. Virginia Hicks wife of the decedent, set aside by a writing duly recorded, all of the said real estate, and the personal estate of the decedent as a Homestead, whereby was left nothing of realty or personalty out of which your orator could recover save the Homestead

as aforesaid. all of which will appear by reference to copy of the said writing filed in the papers of this cause marked "X"

Your orator is advised & charges that as against his debt the Homestead as set apart is not effective and cannot serve to shield the property of the decedents from the payment of their debts in which he has waived the right to claim the same, and that he is entitled to have the said real estate and personal property sold subject to the rights of the widow therein.

In consideration whereof your Complainant Prays that Benjamin Hicks administrator of Warren Hicks deceased Virginia Hicks, Ronnie, Lonnie W., Haywood, Nellie, Thilmore, Arthur and James Randal Hicks, the last seven infants be made parties defendant to this amended bill & required to answer the allegations contained in the same; that a proper and discreet guardian ad litem may be assigned the infant defendants; that the property both real and personal of the decedents may be sold to pay your orator notwithstanding the Homestead writing; that all proper account may be ordered decree entered, and all such general and special relief may be granted as the nature of the case may require or to equity may seem meet.

And your orator will ever pray &c

J. L. McLemore Sol.

5a

W. Hicks
Homestead

Ex "X"

Whereas Warren Hicks of Southampton County Va. having departed this life without having set apart a homestead for the benefit of himself wife and minor children. And whereas the said Warren Hicks left a wife Virginia Hicks and seven infant children, to wit: Ronnie Hicks, Warren Hicks Jr, Nettie Hicks Haywood Hicks, Millard F. Hicks, Arthur B. Hicks and James R. Hicks, all minors. Now therefore this Deed witnesseth: That pursuant to sections 3638, 3639 & 3640 Chapter 178 Code of Virginia 1887. The said Virginia Hicks, widow of the said Warren Hicks, dec.d, for herself and as the natural Guardian and next friend of her infant children, aforesaid. doth hereby set apart and claim, as and for a homestead for the benefit of herself and minor children, the following real and personal property, of which the said Warren Hicks died seized and possessed. to wit:-

Her right of redemption in seventy acres of land situated in Beliel &

Over District Southampton Co. Va.
Valued at $655.00 Subject to lein
in favor of H. P. Vick for $300.00.
And the following Articles of personal
property to wit:

Household & Kitchen Furniture	Valued at	$50.00
Farming Utensils.	Valued at	5.00
Cart & Wheels	" "	10.00
Buggy & Harness.	" "	15.00
Sow & 6 pigs	" "	7.00
800 lbs Pork	" "	56.00
10 Bbl Corn	" "	25.00
1000 lbs Fodder	" "	10.00
30 bags Pea-Nuts	" "	67.50
1 Horse	" "	30.00
5 Head Cattle	" "	40.00
1 Yoke Oxen	" "	30.00
Aggregating		$ 700.80

In witness whereof I hereunto set
my hand, for myself, and as the
next friend of my said infant
children, this 8th day of March
1894.

Virginia her X mark Hicks (Seal)

Witness:
B. F. McLemore.

Southampton Comth: In the Clerk's Office March 8th 1894 The foregoing Deed of Homestead by Virginia Hicks was this day Recieved acknowledged in this Office by said Virginia Hicks & admitted to record.

Teste: B. F. McLemore, C.C.

Vicks

Vs } Statement of Rules

Hicks Admr. et als.

W. P. Vick Plaintiff

vs } In Chancery

Benjamin Hicks Admr. of Warren Hicks dec'd. Virginia Hicks, Romine, Lonnie M. Haywood, Nellie, Thalmore, Arthur and James Randal-Hicks the last seven infants by J. N. Sebrell Jr. Guardian ad litem Defendants.

1895. 9th May. Process Issd. to answer ammded bill to 1st. June Rules.

1895. 1. June Rules. Process returned executed. Ammded Bill filed. J. N. Sebrell Jr. appointed Guardian ad litem to infant defendants. Decree nisi as to adult defendants.

1895. 2nd June Rules. Bill taken for confessed as to adult defendants, and cause set for hearing as to them.

COMMISSIONER'S OFFICE,

~~JERUSALEM,~~ Courtland Va. Feb 10. 1896.

To the *Creditors* of the Estate of

Warren Hicks, dec'd

deceased, and all others concerned.

You are hereby notified, that ~~at the request of~~ pursuant to a decree of the Cir: Court ~~Administrator of the estate of the said~~ of Southampton County entered the 3d day of Augt. 1895 ~~deceased~~, I have appointed the 10th day of March 1896 - next, at my Office, for receiving proof of debts or demands, against the said decedent or his estate, at which time and place you are required to attend.

Given under my hand, as a Commissioner of the County Court of Southampton County, the day and year first aforesaid.

B. F. McLemore *Commissioner.*

Vick

Vs. } Accarey

Hicks Admr. et als.

In Vacation: Circuit Court of Southampton County on the 3rd. day of August 1895.

Vicks W.P.
vs. } Decree.
Hicks's Adms. & als.

This Cause which has regularly matured at rules, came on this day to be heard in vacation, upon the original & amending bill, the exhibits filed, bill taken for confessed as to the adult defendants, answer of infant defendant by guardian ad litem & general replication thereto, and was argued by Counsel.
On consideration whereof, and it appearing to the Court that proper notice of plaintiffs intention to apply for decree in this Cause in vacation has been served on all the parties, doth adjudge order & decree that this Cause be referred to one of the Commissioners of this Court who will inquire & report, 1st. an account of Benjamin Hicks transactions as Administrator of Warren Hicks deceased.
2nd An account of the debts outstanding against the decedents estate, with their dignities & priorities,
3rd. An account of the annual & fee simple value of the real estate of the said Warren Hicks dec'd. and whether the rents & profits thereof will in five years pay the debts resting against the same,
4th. Any other matter specially stated deemed pertinent by the Commissioner or required to be stated by any interested party

A Copy.

Teste: L. A. Gay C.C.

I acknowledge due & legal service of this ~~notice~~ motion.

Jno. Sibley Jr.
Ad litem for
Infants defendants.

Notice
(2)
Motion, &c. ads.

1876. Mch 10.

Filed & entered
& ordered that
the Infants
defendants
W. Borden
by J. W. Williams
Atty

(3)

2306

Commissioner's Office,

~~Jerusalem~~, Va., Feb 10" 1896

To W. P. Wells &
Benj. Wells, Adm of Warren Wells, dec'd.
Virginia Wells.
Robinson, Lonnie W., Hayward, Nellie, Fillmore,
Fillmore, Arthur & Jas Randal Wells.
the last seven Defts.

You are hereby notified that I have fixed upon the 10th day of March next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:

An account of the transactions of Benj. Wells, Adm of Warren Wells, dec'd.

An account of the debts outstanding against the Estate of said decedent, with their priorities and priorities.

An account of the Annual and fee simple value of the real Estate of the said Warren Wells, dec'd. and whether the rents and profits thereof will, in five years, pay the debts against the same.

required to be taken by a decree of Southampton Circuit Court, rendered ~~at the~~ Augt. 3rd ~~term~~, 1895, in a suit in chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand, as Commissioner in Chancery of said Court, the day and year first aforesaid.

D. F. McLemore
Commissioner.

[illegible] of Southampton County to execute.

The Estate of Warren Hicks.
In account with Benj. Hicks his Administrator

April 1	By amt acct sales personal property			115.	59
	To Com's on same	5.	77		
	" taxes paid for 1893	9.	61		
	" amt allowed Nick Williams for labor in securing crop after death of decd	10.	00		
	To amt paid W. P. Hicks for suit of burying cloths	15.	00		
	" " " appraisers	3.	00		
	" " " J. W. Pittman crier at sale	4.	00		
	" " " R. F. Caulfield for legal services	2.	50		
	" " retained to Dr. Adkins mid acct in last illness of decedent	16.	50		
	To paid J. B. Davis for swearing appraisers	1.	50		
	" amt paid tax on admrs bond	1.	00		
	" " " N. F. Gardner to deliver property of in sale	1.	00		
	" " retained to pay clerks for recording acct sales & appraisement	1.	25		
	To amt retained to pay Com's for examining & allowing acct sales &c	2.	25		
	To Com's fee for this acct, acct of debts, acct of apportioning bal in hands of admr among several creditors who have proved their claims before the Com's	12.	00		
	To amt retained as clerks fees for recording same	3.	00		
	Balance due Estate	15.	21		
		$ 115.	59	$ 115.	59
	By balance due estate brought down			$ 15.	21

Respectfully submitted
Wm H. Pretlow
Com'r of Accts

An account apportioning balance in the hands of Admr among the 4th class creditors who have proved their claims before me. Wm H. Pretlow Comm of accts

By balance due estate brought over			15.21
Amt allowed W. P. Dick by apportionment	10.92		
" " " R. M. Stallmon " "	54		
" " " W. H. Stallmon " "	70		
" " " Thos. L. Bain " "	1.62		
" " " Dr. A. M. Atkins " "	66		
" " " G. P. Whitfield " "	10		
" " " J. H. Bradshaw " "	25		
" " " J. H. Pittman " "	27		
" " " Southampton Democrat " "	15		
	$15.21	$15.21	

Respectfully Submitted.
Wm H. Pretlow
Comm of accts.

A Copy -
B. F. McLemore, C.C.

An Account of the fee simple and annual value of the real Estate of Warren Heirs, dec'd.

a tract of land situated in
Berlin & Ivor District - said
Contain Thirty (30) Acres.
Fee Simple value, estimated at. $600.00

Annual value - estimated at. $50.00

Respectfully Submitted.
B. F. McLemore
Com'r in Chancery.

An Account of the debts outstanding against the Estate of Warren Hicks, dec'd. with their dignities and priorities. proved before B. F. McLemore, Comr in Chancery of the Circuit Court of Southampton Co. March 10. 1896.

Fourth Class		
Bond due W. P. Vick.	20.00	
Int: from Dec 15/92 to Mch 15/96.	3.90	23.90
Homestead waived		
Bond due W. P. Vick	50.00	
Int: from Dec 15/92 to Mch 15/96	9.75	59.75
Homestead waived		
Bond due W. P. Vick	50.00	
Int: from Dec 15/92 to Mch 15/96.	9.75	59.75
Homestead waived		
Bond due W. P. Vick	50.00	
Int: from Dec 15/92 to Mch 15/96.	9.75	59.75
Homestead waived		
Bond due W. P. Vick	50.00	
Int: from Dec 15/92 to Apl 12/94	3.97	
	53.97	
By Cash	29.05	
	24.92	
Int: from Apl 12/94 to Mch 15/96.	2.86	27.78
Total		$230.93

Respectfully Submitted.
B. F. McLemore
Comr in Chancery.

Vicks
v Lewis Report
Sheehy
1896. March 10. filed.

Commissioner's Office,
Courtland, Va.
March 10. 1896.

To the Circuit Court of Southampton County:

Pursuant to a decree of the Circuit Court of said County, entered at the September 1896. in the Chancery Cause of "Vick & Vick Heidt + als". the undersigned Commissioner, to whom the aforesaid decree has been referred, reports to Court that on the 10th day of Feby 1896, he issued Notice against the parties to this suit, requiring them to appear before him, at his Office in Courtland, on the 10th day of March 1896. at which time and place he would proceed to take the accounts called for by said decree. A Notice was also posted at the front door of the Court house, Notifying all parties holding Claims against the Estate of said decedent, Warren Heidt, to present the same to your Commissioner, on the said 10th day of March 1896. — Whereupon the Commissioner proceeded, on the day last aforesaid, to take the following Accounts - Viz:

1st An account of the debts outstanding against the Estate of Warren Heidt, dec'd, and reports a debt due to H. P. Vick, evidenced by five bonds, each containing waiver of the Homestead. Amounting, in the aggregate, to $230.93 inclusive of interest.

2nd An account of the Annual and fee simple value of the real Estate of Warren Heidt, dec'd. And whether or not the rents and profits arising therefrom will, in five years, pay

the debts reported against the same?
Warren Hicks, at the time of his death, was seized and possessed of a small tract of land containing 30 acres, more or less. the fee simple value of which is believed to be $600.00 and the annual value is estimated at $50.00 (this land has been, since the death of decedent. claimed by his widow, as a Homestead for herself and the minor children of herself and decedent. by deed duly recorded in the Clerk's Office of Southampton County Court.)
The rents and profits of the land will, in five years, pay the debts reported, for $50. each year. provided Rents,
The Commissioner reports specially that during the year 189 Benj Hicks, Admr of Warren dec'd. laid before the Commissioner of Accounts of this County, his vouchers as Administrator as aforesaid, that an Account of his transactions was duly stated, returned to and filed in the Clerk's Office of the County Court. for exception. and in due course of time. was confirmed by the Court. and recorded. And the balance in his hands from sales of Chattel Estate, was distributed, pro rata, among the Creditors of said decedent. a Copy of said Administration Account. and Distribution Account, is herewith filed.
The Commissioner being requested, states specially that Virginia Hicks, widow of Warren Hicks dec'd. is 31 years of age.
The Accounts herein referred to, and the Notice of the time and places of taking the same are

herewith filed.

Respectfully Submitted.
B. F. McLemore
Com'r in Chancy

Commissioners fee
$5.00
ch Pluff

Vick

& } Sum.

Hicks et als.

1895. 1st Mch. Rules

Cir. Ct.

Executed Feb. 27th
1895 By delivering a
copy of this Sum's to
each of the Defendants
named Garnishee de
fendant.

R. I. Williams Dep't
for J. W. Williams
Shff

W. D. Lemore p.q.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Virginia Hicks, Romine, Lonnie W., Haywood, Nettie, Philomine, Arthur & James Randolph Hicks the last seven infants under 21 years by J. A. Sebrell Jr Edward Litem

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 March 1895 ~~next~~, to answer a Bill in Chancery exhibited against them in our said Court by W. P. Vick

And this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this 23rd day of February, 1895, in the 119th year of the Commonwealth.

TESTE: T. M. Howard, C. C.

Vick
v.
Notice
Hecht &
1895 aug. 3.

Executed July 19/95
by delivering a copy of
this Notice to the within
named Jos Hecht defendant

D. W. Williams
Shff.

Lackawanna due allegat notice Service
Justis notice. July 16. 1895.
Publication.
Upon affidavit of agent of plaintiff

To. Benjamin Hicks. admr. of Warren Hicks' decd. Virginia Hicks, Romnie Lonnie W. Haywood Nellie, Philmore, Arthur & James Randal Hicks. the last seven infant by J. N. Sibrell Jr. Guardian ad litem.

Take Notice, that I shall through my Counsel apply to Hon. Robert R. Prentis Judge of the Circuit Court for Southampton County, in vacation, at his office in Suffolk Va. on the 3rd day of August 1895. for an interlocutory decree to be entered in the Chancery Cause of W. P. Vick vs. Hicks' Administrator etals. to the following effect, to wit:

That the cause be referred to one of the Commissioners of the Circuit Court who will enquire & report. 1st An account of Benjamin Hicks' transactions as administrator of Warren Hicks deceased.

2nd. An account of the debts outstanding against the decedents estate, with their dignities and priorities.

3rd An account of the annual rent simple value of the real estate of the said Warren Hicks died seized & whether the rents and profits will in five years pay the debts reported against the same.

4th Any other matter specially stated deemed pertinent by the Commissioner or required to be stated by any interested party. Your obedient servant

July 15/95. W. P. Vick by Counsel.

COMMISSIONER'S OFFICE,

~~JERUSALEM,~~ Courtland - July 10 - 1896

To the *Creditors* of the Estate of
Warren Heath da
deceased, and all others concerned.

You are hereby notified, that ~~at the request of~~ by decree of the Circuit Court of ~~Administrator of the estate of the said~~ Southampton County deceased,
I have appointed the 21 day of August next, at my Office, for receiving proof of debts or demands, against the said decedent or his estate, at which time and place you are required to attend.

Given under my hand, as a Commissioner of the County Court of Southampton County, the day and year first aforesaid.

B. F. McLemore

Commissioner.

Southampton County Circuit Court. Mch. Term 1896.

Vick.

vs. } Decree.

Hicks' Administrator et als.

This day this Cause came on to be heard upon the papers formerly read, and upon the report of Commissioner, B. F. McLemore, filed march 10th. 1896. to which no exceptions have been taken and was argued by Counsel.

On Consideration whereof, and it appearing to the Court that Virginia Hicks Widow of Warren Hicks decd. is entitled to dower in the tract of land in the bill and proceedings mentioned, doth adjudge order and decree, that E. W. Davis, John. G. Kello. George H. Williams. C. J. Bryant and W. J. Whitehead be and they are hereby appointed Commissioners, any three of whom may act, who are directed to go upon the land aforesaid, and proceed to lay off and allott to the Widow aforesaid dower in the said land, having regard to quality and quantity, and make report to Court, And J. L. McLemore, who is hereby appointed a Special Commissioner for the purpose, do proceed to sell the said real estate of which Warren Hicks died seized, subject to the Widow's dower therein. having first given 20 days public notice of the time and place of sale, for one half Cash, the balance in twelve months from date of sale. title reserved

till all of the purchase money is paid, with option to the purchaser to pay all the purchase money and take a deed upon the confirmation of the sale.

The Court doth further decree that this cause be referred back to the said Master Commissioner who will take a further account of the debts outstanding against the estate of the said Warren-Hicks, dec'd, distinguishing those waiving the Homestead exemption, from those not.

But before the special Commissioner J. L. McLemore, shall proceed to act hereunder, he shall enter into bond before the Clerk of this Court in the penalty of $500. with good security, conditioned for the faithful performance of this or any future decree herein.

A Copy.

Test: L. R. Gay C.C.

Hicks,
vs.
Hicks Administrator et al.

Decree

Entered Page 78

Vicks
v } Report.
Hicks' Admr et als
1896. Sept. 15. Filed.
L. A. Gayle.

Commissioner's Office.
Courtland. Va.
Sept. 15th 1896.

To the Circuit Court of Southampton County:
Pursuant to a decree of the Circuit Court of Southampton County - rendered at the March Term 1896 - in the Cause of Vick & Heath Admrs. &c. als: the undersigned Commissioner reports to Court - that on the 10th day of July 1896 he posted a Notice at the front door of the Court house of this County, notifying all parties holding claims against the Estate of Warren Heath, dec'd, to present them to him - at his Office, in Courtland, on the 21st day of August. 1896. and reports to Court that up to this day and date - Sept. 15. 1896. None have been presented.

Respectfully Submitted.
B. F. McLemore
Comr in Chancy

Commissioner's Fee
$2.50 ch plaintiff

Vick

v. 333 Answer of Infant Defendant by Guardadelitem

Hicks & others

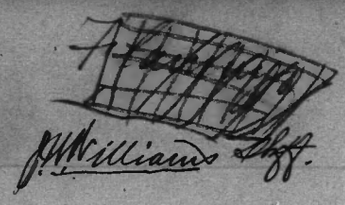
1895. 11. Sept. Filed

The joint several answer of Ronnie Lonnie, H. Haywood, Nettie, Philmore, Arthur and James Randal Hicks, infants of tender years by Jno. T. Sorrell Jr. their guardian ad litem, to certain bill of complaint exhibited against them rather in the Circuit Court of Southampton County by W. P. Vick.

These respondents reserving to themselves the benefit of all just exceptions &c. through their said guardian ad litem, say:- That being infants of tender years, they are incapable of understanding, or of taking care of their interest or rights, and they therefore commend their rights to the protection of this court. And having fully answered they pray hence to be dismissed with their reasonable costs &c.

July 29/95

J. T. Sorrell Jr.
Gdn ad litem for infant defts



Hicks et als
vs
W. P. Vick

Demurrer

The defendants say that the plaintiffs' bill is not sufficient in law.

Shands & son Sol.

Nick

r. Answer of
Son as before.

Hicks adm. etc.

1895. 11. 5 pl. filed

The joint several answer of Ronnie, Lonnie W., Haywood, Nellie, Thelmon, Arthur & James Rudal Hicks, infants of tender years by Enoch Sebrell Jr. their guardian ad litem, to a certain amended bill of complaint exhibited against them rather in the Circuit Court of Southampton County by W. P. Vick.

These respondents reserving to themselves the benefit of all just exceptions & through their said guardian ad litem, say:- That being infants of tender years, they are incapable of understanding, or of taking care of their interest rights, and they therefore commend their rights to the protection of this Court. And having fully answered they pray hence to be dismissed with their reasonable costs &c.

July 31/95.

J. E. Sebrell Jr.
Gdn ad litem for infant
defendants

Vicks

vs 3 Dawn

Vicks schools

Enter Sept 6, 1895

Robert Dennis

Vick

vs

Hicks admrs et als

Decree

This day this cause came on again to be heard on the papers formerly read and on motion of Virginia Hicks one of the defendants in this cause by their counsel leave is granted her to file her answer to the original and amended bill of the plaintiffs

W. P. Vicks

vs. } Summ:

Hicks's Admr Et. als.

1895. 1. June Rules.

Clerk, Ct.

Executed May 15-
1895- by delivering a
copy of this Summ's to
each of the parties
defendant

J. W. Williams
Shff.

Endorsed = 1.00

Margaret Hicks
May 15th

J. L. McLemore D. C.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Benjamin Hicks Adm'r of Wm. Hicks dec'd, Virginia Hicks, Bonnie Lonnie W. Haywood, Nellie, Philmore, Arthur and James Randal Hicks, the last seven infants by Jno. N. Debnell jr. Guardian ad litem

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 1st Monday in June next, to answer a Bill in Chancery exhibited against them in our said Court by W. P. Vick

And this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, ~~T. M. HOWARD~~ L. A. Gay, Clerk of our said Court, at the Courthouse, this 9th day of May, 1895, in the 119th year of the Commonwealth.

TESTE: L. A. Gay, C. C.

Vick
2d } Stat: Rules.
Hicks et als

1895. 1st Mch. Rules.

1893 Aug 2 Rules

W. P. Vick Pltff

vs In Chancery

Virginia Hicks, Clomine,
Lonnie, W., Haywood, Attie,
Philmore, Arthur & James Defts.
Randal Hicks, the last
seven infants under 21 years
by J. A. Sebrell Jr Gdn ad litem.

1895. Feby 23rd. Process issd to 1st Mch. Rules.

" 1st Mch. Rules. Process ret'd Executed
Bill Ex filed J. A. Sebrell Jr
appt Gdn ad litem
decree nisi vs adults.

1895. 2 Mch Rules. Bill taken for confessed as to adults and
cause set for hearing

Brief of defendants
counsel

Dick

No 3

Richardson

Motion by

Thompson

Vick
vs
Hicks

Note by dfts comm

Then can be a decree at this
Court (March 1894) allotting dower down
but I do not see how then can be a
sale since the report of the commissioner
now does not show conclusively the debts then
is a report of debts filed in the County Court
showing an indebtedness then of $313 April
1st 1894 of which W. P. Vick holds $230 then
are debts not reported in this last report
but proved before the commissioner of the
County Court so this last account must be
recommitted And the proper decree now
is to appoint commissioners to allot dower
in the and recommit the account to the
commissioner of the court to take a further
account of debts against the estate
distinguishing those debts on which there has been
a recovery of the homestead from those in which
there is none and no decree for the sale
or renting out

E. M. Davis
Jno. G. Kelly
Geo. W. Williams

Vol
v. Deeds
Hinds Co. Miss. Records

Entered August 3, 1895
Robert E. Lewis

Book 10/96

In L.S. Page 21

In Vacation: Circuit Court of Southampton County on the 3rd day of August 1895.

Nick N. P.

vs. Decree

Hicks' Admr. et als.

This cause which has regularly matured at rules, came on this day to be heard, in vacation upon the original amended bill, the exhibit filed, & bill taken for confessed as to the adult defendants, answer of infant defendant by guardian ad litem & final application thereto, and was argued by Counsel. On consideration whereof, and it appearing to the Court that proper notice of plaintiff's intention to apply for decree in this cause in vacation has been served on all the parties, doth adjudge order & decree that this cause be referred to one of the Commissioners of this Court who will enquire & report, 1st. An account of Benjamin Hicks transactions as administrator of Warren Hicks deceased.

2nd. An account of the debts outstanding against the decedents estate, with their dignities & priorities

3rd. An account of the annual & per annum value of the real estate of the said Warren Hicks dec'd. & what the rents & profits thereof will in four years pay the debts reported against the same.

With any other matter specially stated deemed pertinent by the Commissioner or required to be stated by any interested party.

Robert R. Reid
Judge

A Copy Teste
Clerk of the
Circuit Court of
Southampton County.

Sold to H. P. Vick
for $100
Nov. 16. 1896
J. W. Pittman

Vick
vs.
Hicks' Admr. et als

Decree.

Entered March 25th. 1896.

Robert R. Lewis.

Vick
vs.
Hicks' Admr. et als

Decree.

Entered March 25th. 1896.

Robert R. Lewis.

Entered
Page
Made 4 Copies

Vick ,

Vs.

Hicks' Administrator et als.

This day this cause came on to be heard upon the papers formerly read,and upon the report of Commissioner, B. F. McLemore, filed March 10th. 1896,to which no exceptions have been taken and was argued by Counsel.

On consideration whereof,and it appearing to the Court that Virginia Hicks widow of Warren Hicks decd.is entitled to dower in the tract of land in the bill and proceedings mentioned,doth adjudge order and decree,that E.W.Davis,John G.Kello George W.Williams,and G.I.Bryant and W.I.Whitehead be and they are hereby appointed commissioners,any three of whom may act,who are directed to go upon the land aforesaid,and proceed to lay off and allott to the widow aforesaid dower in the said land,having regard to quality and quantity,and make report to Court. And J.L.McLemore,who is hereby appointed a special commissioner for the purpose,do proceed to sell the said real estate of which Warren Hicks died seized,subject to the widows dower therein,having first given 20 days public notice of the time and place of sale,for one half cash,the balance in twelve months from date of sale,title retained till all of the purchase money is paid, with option to the purchaser to pay all the purchase money and take a deed upon the confirmation of the sale.

The Court doth further decree that this cause be referred back to the said Master Commissioner who will take a further account of the debts outstanding against the estate of the said Warren Hicks,decd , distinguishing ~~mentioning~~ those waiving the Homestead exemption, from those not.

But before the special commissioner J.L.McLemore,shall proceed to act hereunder,he shall enter into bond before the Clerk of this Court in the penalty of $500. with good security,conditioned for the faithful performance of this or any future decree herein.

To, Benj: Hicks Admr. Warren Hicks dec'd Virginia Hicks, Remus Lonnie W., Hayward, Nellie Philmore, Arthur and James Randal Hicks the last seven infants by J N Sibrell Jr. Gdn ad litem.

Take notice that we shall through our Counsel apply to the Hon. Robert R. Prentis, Judge of the Circuit Court of Southampton County, at his office in Suffolk Va., on the 25th day of Nov. 1896 for a decree to be entered in the Chancery cause of W. P. Vick v. Hicks' Admr et al. in vacation preparatory to a final decree.

Nov. 16. 1896.

Your obedient servants,

W. P. Vick by Counsel.

We acknowledge due & legal service of the notice
Nov. 18/1896.

Benj. Hicks)

Virg. Hicks.

(Geo. W. Webb) Jno. Sebree Esq
Pro. Gen'l ad litem
Wm. B. Shands & Webb
Atty for Benj. & Hicks & Chas
& Wm. Hicks

Vinde

Vs } Statement of costs

Hinkle Adams et als

Vicks

Vs. } Statement of Costs.

Hicks Adms. et als.

Summ. 25¢ 2 Copies 26. Another Summ. 25¢ 3 Copies 39= 1.15

receipt for both 36, atty. 10, 2 Books, 36, 4 Rules 2½= 2,82

Entering 2 returns 70. Fil. 2 bills 30, Dr. Int. 30= 1.30

replication 15 answers 30, fil 3 answers 45¢= 75

3 Decrees. 2,16 fil. demurrer 15. Tax Costs 40= 2,71

Filing away papers Future Costs 36. Bond 1.40= 2,01

Paid L. A. Gay Clerk $10.73

" J. H. Williams Sheriff 3.00

Paid P & M Lawre. 16.50

$30.23

Paid B. F. McLemore Fees 7.50

$37.73

66

$38.39

Filing 2 reports 30 - 1 Decree 36 = 66¢ This amount not included in above Statement

Nick W P.
vs. Report of Sale
Hicks' Admr. et al.
1896. Oct. 25th. filed

To the Hon. Robert R. Prentis, Judge of the Circuit Court.

Vick W. P.
Vs.
Vs. Hicks et als. Report of Sale.

Your Commissioner appointed at the March term 1896 of this Court in the above mentioned cause to make sale of the land in the bill and proceedings mentioned, begs to report that after duly advertising the time place and terms of sale as per notice herewith annexed, as apart of this report, he exposed at Courtland on November 16th. 1896, the tract of land in the cause described, containing about 30 acres, subject to the widows dower therein, which had been prevously laid off, a report of which is filed in the papers of the cause, at which sale so made W. P. Vick became the purchaser by bidding therefor the sum of $100. which amount he is now ready to pay in cash upon the confirmation of the sale by the Court. The Commissioner thinks the sale a fair one, and respectfully recommends that the same be confirmed.

November 18, 1896.

Respectfully Submitted.

Jas. L. McLemore
Special Commissioner.

W.P. Vick,

Vs. Decree.

Hicks! et als.

1897 March Enter this,

W.P.Vick,

Vs.

Hicks' Admr et als.

This day this cause came on again to be heard, upon the papers formerly read, and upon the report of Special Commissioner Jas. L. McLemore, filed day of 190,, reporting receipt and disbursement of the $100. from sale of the land in the bill and proceedings mentioned, supported by proper vouchers, to which report no exceptions have been taken, and was argued by Counsel. On consideration whereof the Court doth confirm the said report, and doth adjudge order and decree that the deed made to the said be and the same is hereby confirmed and ordered to be held firm and binding, and nothing further remaining to be done in this cause it is ordered that the same be removed from the docket.

Rec'd of the Clerk of the Circuit Court, 5 bonds filed in the Chancery Papers of Vick vs. Hicks, described as follows:

All of said bonds bearing date Dec. 15. 1894 executed by Warren Hicks & payable to W. P. Vick. One for $20. due one day after date; One for $50- payable one year after date; One for $50. payable two years after date; One for $50 payable three years after date. & One for $50. payable four years after date, which last note is subject to a credit of $29.05 paid April 12. 1894. There is also due to be placed as a credit on said bonds the amount received on same in the Chancery suit.

W. P. Vick

Received of L. A. Gay Clerk of the Circuit Court of Southampton County the following bonds filed with the bill in the suit of Vick W. P. vs. Hicks' Adm. et als:
One drawn by Warren Hicks payable to W. P. Vick for $20.00 dated Dec. 15th. 1892. on demand one day after date
One drawn by Warren Hicks payable to W. P. Vick for $50.00, dated Dec. 15th. 1892. on demand one year after date.
One drawn by Warren Hicks payable to W. P. Vick for $50.00, dated Dec. 15th. 1892. on demand Two years after date.
One drawn by Warren Hicks payable to W. P. Vick for $50.00, dated Dec. 15th. 1892 on demand Three years after date.
One drawn by Warren Hicks payable to W. P. Vick for $50.00, dated Dec. 15th. 1892 on demand Four years after date. Subject to a credit of $29.25 dated April 12th. 1894.

The separate answer of Virginia F. Hicks
To a bill and amended bill in chancery in the circuit Court
of Southampton brought by Wm P. Vick
against her and others

This defendant for answer to the
said bills or so much thereof as she is
advised it is material for her answer,
answering say that her husband a colored
man died sometimes since having some
little real estate and some debts that
she knows but little of his effects in her
husband brother Benj. F. Hicks having qualified
on his estate as far as she is advised there
is now only a small tract of land of thirty
acres on which there is a frame
house on which she now resides with
her seven small children their only home
and means of support she has never
claimed any dower in this land and
if she had it would have to be sold to
pay debts owing and she now asks
and demands that her dower in the
said land be allotted to her before it is
sold to pay her husbands debts and having
fully answered she prays to be dismissed
with her costs

signed by Virginia F. Hicks
her
(mark)

Sworn to &c J.C.

Virginia
County of Southampton to-wit:
This day Virginia Hicks, personally appeared before me, and made oath to the correctness of the within answer.
Given under my hand this 26th day of September 1895.

J. W. Lawrence,
Comr in Chancery

Va. ex rel. Hicks
vs
Hicks

Answer of Virginia Hicks
1895. 26. Sept. filed
L. A. C.

Vick,

vs. } Decree.

Hicks, Adms, et als.

Entered

Page 78

In Southampton County Circuit Court. Mch. Term 1896.

Vick.

vs. } Decree

Hicks Administrator et als.

This day this Cause Came on to be heard upon the papers formerly read, and upon the report of Commissioner, B. F. McLemore, filed March 10th. 1896. to which no exceptions have been taken and was argued by Counsel.

On consideration whereof, and it appearing to the Court that Virginia Hicks Widow of Warren Hicks dec'd. ~~is~~ entitled to dower in the tract of land in the bill and proceedings mentioned, doth adjudge order and decree, that E. W. Davis, John G. Kells, George W. Williams, G. T. Bryant and W. T. Whitehead be and they are hereby appointed Commissioners, any three of whom may act. who are directed to go upon the land aforesaid, and proceed to lay off and allott to the Widow aforesaid dower in the said land, having regard to quality and quantity, and make report to Court. And F. L. McLemore, who is hereby appointed a special Commissioner for the purpose, do proceed to sell the said real estate of which Warren Hicks died seized, subject to the Widow's dower therein, having first given 20 days public notice of the time and place of sale, for one half Cash, the balance in twelve months from date of sale, title retained till all of the purchase money is paid, with option

to the purchaser to pay all the purchase money and take a deed upon the Confirmation of the sale.

The Court doth further decree that this Cause be referred back to the said Master Commissioner who will take a further account of the debts outstanding against the estate of the said Warren-Hicks, dec'd, distinguishing those waiving the Homestead exemption, from those not.

But before the special Commissioner J. L. McLemore, shall proceed to act hereunder, he shall enter into bond before the Clerk of this Court in the penalty of $500.- with good security, conditioned for the faithful performance of this or any future decree herein.

A Copy,

Test: L. A. Gay D.C.

Vick.

vs. } Comrs report of assignment of Dower

Hicks Admr. et als

1896. 24. Jany Filed

L. A. Gay C.C.

The confirmation of this report is excepted to by W.P. Vick a Creditor of Warren Hicks dec'd upon the grounds & for the reason that the amount assigned the Widow as Dower, is largely in excess of One third in value of the entire real estate of which Warren Hicks died seized -

Sept. 24/1896 W.P. Vick by Counsel

Ex parte Geo W Williams & T. Bryan
Thos T. Whitehead v. J. H. Kello
who was appointed by the Circuit
Court at its March term 1896
to veiw and allot dower to Virginia
Hicks widow of Warren Hicks
met at the said Virginia Hicks
& after veiwing said premises
allotted to the widow as dower all
the buildings and nine acres
of land more or less. Said
line commencing at lane on W. H. Stephenson
line East from dwelling and running down
west corner two feet from Crop fence
to Cr of lot at Buggy shelter then west-
ward back of Garden to a small Persimon
tree on Crooked Pine Road then to Culvt
of Road thence down said road to
W. H. Stephenson Gate then down lane between

W. H. Stephenson to Commencing
point at Crop fence

and the woodland lands to be
used in common

Resp'y Submitted
John L Hill
W. J. Whitehead
G. J. Bryant
Geo. W. Williams.

Conclusion of Jurors under
sworn to by Geo. W. Williams & Wm. G. Hyler this
20 day of July 1896 before
me in Hamilton Co. Ct.
L. R. Edwards N.P.

G J Bryant & W. J. Whitehead
also came before me and
sworn a Justice of Hamilton
County and made oath
to the correctness of the
within survey
July 20/96 G J Turner J.P.

W.P. Vick,

Vs. Decree,

Hicks' Admr. et als.

Enter, November [redacted] 1896.

Virginia.

In Vacation, in the Circuit Court of Southampton County, November 25th 1896.

W.P.Vick,

Versus.

Hicks' Admr. et als.

This day this cause came on again to be heard upon the Papers formerly read, upon the report of Special Commissioner Jas. L. McLemore, reporting sale of the land in the bill mentioned to W.P.Vick at the sum of $100., filed November 25th 1896, to which report no exceptions have been taken, upon notice duly given to the defendants of the plaintiff's intention to apply for this decree in vacation, and was argued by Counsel. On consideration whereof, the Court doth adjudge, order and decree that that the said report be and the same is hereby confirmed, and the special Commissioner is directed to execute to the purchaser, upon the receipt of the purchase price of $100. a deed with special warranty for the land in the bill mentioned, subject to the widow's dower interest therein, and out of the proceeds, pay first, the costs of this suit, and any balance pay to W.P.Vick, or his Attorneys, and said Commissioner will report to Court.

To the Clerk of the Circuit
Court of Southampton County.

Robert Prentis

W.P.Vick,

Vs. Decree.

Hicks' Admr. et als.

March 25, 1898.

Enter,

Entd Page 137

W.P.Vick,

Vs.

Hinks' Admr. et als.

This day this cause came on again to be heard upon the papers formerly read,and upon the report of Special Commissioner, J.L.McLemore,filed December,21st. 1896,reporting collection and disbursements of the funds in his hands supported by proper vouchers,and to which report no exception have been taken,and was argued by Counsel. On consideration whereof,the Court doth confirm said report,and doth order and decree that W.P.Vick or his attorney be allowed to withdraw the bonds of Warren Hicks decd. filed in the bill as exhibits,upon the execution of his receipt therefor,in which receipt a memorandum of said bonds shall be made,stating the amounts,dates and credits if any.

And it appearing to the Court that nothing further remains to be done in this cause it is ordered that the same be removed from the docket.

W. P. Vick
No. 3 Record of Com.
Hicks Adams et al.
1896, Dec. 21. filed

Lowndes
Mich 1897

W.P.Vick, versus. Hicks Admr. et als.

The undersigned begs to report that in accordance with a decree entered herein on the 25th. day of November 1896, the the undersigned has collected from W.P.Vick the purchaser of the land reported as sold to him for the sum $100. the entire purchase price, and has disposed of same as follows:-

Amo. recd. from sale,		$ 100.
To Commissions on same,	$ 5.	
" paid Costs of the suit,	37.73	
Paid for posters,	1.25	
" paid Auctioneer,	2.50	
" paid for writing Specl. Commr. deed,	10.	
	---------	56.48
Amo. in hand to be paid to W.P.Vick Creditor		$ 43.52

Decr. 21st. 1896. Respectfully Submitted,

Jas. L. McLemore
Specl. Commr.

Received, Decr. 21st. 1896. of Jas. L. McLemore, Special Commissioner in the above named cause of W.P.Vick Vs. Hicks' Admr. et als. the sum of Forty Three & 52/100 Dollars in full of amount in his hands after paying costs of the suit and expenses of sale.

W.P. Vick.