

1860-019

Chancery Causes. Stephen W. Roberts & J vs Mills W. Roberts

Isle of Wight County

Other SURNAMES: Hall,
Ashburn

To the Worshipful Court of the County of
Isle of Wight - in Chancery sitting -
Complaining, shew unto the Court your Complain-
ants Stephen W. Roberts, John W. Roberts, Sylvester
J. Roberts, Benjamin C. Roberts, Francis C. Roberts
(and Nathl. C. Roberts, the last three being) under
twenty one years of age, (and suing) in this behalf
by Stephen W. Roberts, their Brother and next
friend - your Complainants respectfully
represent (and shew to the Court, that their
father Benjamin M. Roberts, died in the said
County in January 1847, and Intestate, leaving
among other small estate, a tract of land in
said County, containing two hundred and thirty
acres more or less, adjoining the lands of Wm.
Johnson, Tho. Saunders, & Nathl. P. Johnson - which
Land is now worth less than three hundred dollars,
to a share - That the said Benjamin M.
Roberts left as his heirs at law, his widow
Mary Ann Roberts - seven children, to wit.
Miles W. Roberts, and your Complainants, who
are entitled to said Land - That partition
of said Land is not desired, nor would it be
advantageous to do ^{so} among so many - That
the shares are less in value than three hundred
dollars, and therefore this Court has power
to see the same, which is desired by the parties
(and by so doing no injury can result to

anyone - In consideration whereof your
Complainants pray, as this Court has the power
to do so, that the said Land may be sold
subject to the Dower right of Mrs. Mary
ann Roberts, and that Mills W. Roberts
aforesaid may be made Defend-
ant hereto & be required to answer
the allegations herein - and that all
proper orders (and decrees necessary
to give the relief prayed for, may be granted
etc. signed,

John R. Kilby J. C.

The answer of Mills W. Roberts to the
foregoing Bill of Complaint -

This Respondent, saving &c. says
that the facts contained in the Bill are
true, and that he has no objection to
a sale of the Land as prayed for -

signed,

Mills W. Roberts

Kilby p. 8

Stephen W. Roberts sal;

Bill &
Mills W. Roberts

Nov. 1. 1858. Bill & fols
& entry: decreed.

March 1839 rept. of
sale & cond.

July 4, 1839 Decree to
Collect & P.

Sept. 5th 1839 rept. of
distribution & P.

Feby. 6. 1860. final decree
J. of W. Co. et.

The Deposition of Mr. Hallet & A. H. Ashburn
taken at Isle of Night Court house on the first day
of November 1858, to be read as evidence in the
Chancery cause in said Court, wherein Stephen
W. Roberts and others are plaintiffs and
Miles W. Roberts is defendant, — taken
by consent of parties —

Thomas Hallet
Thesaid, ^{Thomas Hallet} being duly sworn says he
is well acquainted with the Land whereof
Benjamin W. Roberts died possessed, containing
two hundred (and thirty) acres more or less, and
adjoining the Lands of Wm Johnson, Thomas
Saunders and Nathl. P. Johnson — That
thesaid Land is worth in fee simple the
sum of Twelve hundred & fifty dollars
(and that the shares of the several heirs
will be as he believes less than three
hundred dollars — That he believes
thesaid Land will sell for its full
value, subject to the widow's dower, &
that no partition of said Land could be
made advantageous among so many heirs —
That he thinks the Land ought to be
sold, as best promotive of the interests of
all parties —

signed

J. Hallet

He said A. H. Ashburn being
duly sworn says that he fully
agrees with Thos. Hall in his
deposition above—

signed

A. H. Ashburn

The foregoing Depositions were taken
before me as set forth in the caption
& the same — Given under my hand
this 1st day of Nov. 1858.

H. Chapman J.P.

Roberts Sal:

17 { Sep.
Roberts }

March 7th 1859

In conformity to a decree pronounced in the County
Court ^{of Salisbury County} bearing date the first day of November 1858
and to me directed,

your Comm^r begs leave to report That on the 28th
of December last past after advertising the same
at sundry publick places did sell to the highest
bidder the land whereon Benj^a. M. Roberts died
possessed for fifteen Hundred and five Dollars, your
Comm^r further reports that he has taken bond with
Security for the purchase money after deducting the
expence of sale,

whole amt of sale \$1505.⁰⁰

amt of bond taken

\$1450.40

paid Atto: for

10.00

paid Clerk for

5.50

Commission and \$1505.00

39.10

\$1505.00

W. M. Markum Comm^r

Roberts &c

vs } Com Report.

Roberts

Aug. 1. 1839 Recd.
of A. D. Young Clk. Com.
of Sale of Wights the bond
of Miles W. Roberts &c.
which was filed in
this rept.

W. H. Markus Com.

my fee \$10. paid by Com.
John P. Stebbins atty
7 mar. 1839

In obedience to the annexed decree pronounced
the 4th day of July 1839, your comm^r begs leave
to report to the Court that he did receive from the
Clerk of Isle of Wight County Court a bond of Mills
vs Roberts & A H Ashburn for Fourteen Hundred and
fifty Dollars which bond he collected and paid
out as follows

paid to Stephen, W. Roberts one equal 7th part \$ 214.39

" John W Roberts " " 7th " 214.39

" Sylvester J Roberts " " 7th " 214.39

paid to Mary Roberts, the legal Guardian
for Benjamin, C, Francis and Nath^l C Roberts each 643.19
also leaving in the hands of Elizabeth Roberts
he being the purchaser one equal 7th part

214.39
\$1500.75

By amt of bond \$1450.00

Interest on do for 7m: 50.75
\$1500.75

I have made a deed to the purchaser as was directed
all of which is submitted

M. W. Martiney


S. W. Roberts &

27 { Comd. report
of distribution

Mills W. Roberts &

Sept. 8th 1859
filed for execution.

August the 9th 1859

Rec^d of M^r Mathews Commt^r Two Hundred
and fourteen Dollars and $\frac{37}{100}$ it being his proportion of sale
of land that belonged to Benj^d M^r Roberts dec^d

Stephen M. Roberts

August 9th 1859

Rec^d of M^r Mathews Commt^r Two Hundred &
fourteen Dollars and $\frac{37}{100}$ it being his proportion of sale
of land that belonged to Benj^d M^r Roberts dec^d

Sylvester J. Roberts

August 9th 1859

Rec^d of M^r Mathews Commt^r Two Hundred &
fourteen Dollars and $\frac{37}{100}$ it being his proportion of
Sale of ~~lands~~ sold belonging to Benj^d M^r Roberts dec^d

Miles W. Roberts

August 9th 1859

Rec^d from M^r Mathews Commt^r Two Hundred and
fourteen Dollars and $\frac{37}{100}$ it being his proportion of sale of land
that belonged to Benj^d M^r Roberts dec^d

August the 9th 1859 $\frac{3}{3}$

John W. Roberts

Rec^d of M^r Mathews Commt^r Six Hundred & forty three Dollars $\frac{41}{100}$ it being
the proportion of Benj^d C. Francis C. and Nathl^d C. Roberts all combined

Wm M. Roberts

Receipts of the partition
of the heirs of Benj^m Roberts
taken 1839

Stephen W. Roberts, John W. Roberts, Sylvester J.
Roberts, Benjamin L. Roberts, Francis L. Roberts
and Nathl. C. Roberts, the last 3, being under
21 years of age, suing by their brother ^{next friend} the said
Stephen W. Roberts

v

Mills W. Roberts.

The Complainants by leave of the
Court & consent of parties, this day filed their
Bill (and the Defendant his answer &
the Cause came on by like Consent to be heard
on the said Bill, & answer, replication to
said answer & depositions of witnesses
(and was argued by counsel; On consid-
eration whereof the Court doth ~~ad~~ judge,
order & decree, that Meredith H. Watkins
(who is hereby appointed Com for that purpose,
(subject to the power right of Mrs. Mary Ann Roberts))
do proceed to sell on the premises, on 4
months credit with interest from date, except
costs of suit & expenses of sale which will be
cash), at public auction, the Land whereof
Benjamin M. Roberts died possessed, containing
230 acres more or less adjoining the land of
Wm Johnson, Thos. Saunders, & Nathl. P. Johnson,
having first given at least twenty days ^{notice} of such
Sale by advertisement at the Court house door
of Dec of W. County & at least three other public
places in said County, and take from

the purchaser, bond with good security & retain
the title till the ~~payable~~ further order
of the Court, return said Bond to Court with
a report of his proceedings under this
decree -

But ~~this decree~~ is suspended till
the said Meredith H. Watkins shall
execute a Bond before the Clerk of
this Court in his office in the penalty
of \$2000, payable to the Comth. of Virginia
conditioned faithfully to execute this
decree.

Roberts sal.

7

Roberts

Decree

To be entered

Geo. W. Carroll

6 Entered

A County Court held for Isle of Wight County

On the first day of November - 1858. —

Stephen M. Roberts (and others

Plffs

Against

3

In Chancery —

Mills M. Roberts

Defds.

The Complainants by leave of the Court & Consent of parties, this day filed their Bill, And the Defendant his Answer. & the Cause came on by like Consent to be heard on the Bill, & Answer, replication to said Answer, & Deposition of Witnesses, (And was argued by Counsel: On Consideration whereof, the Court doth adjudge, order and decree that Merideth H. Watkins who is hereby appointed Commissioner that purpose, proceed to sell on the premises (Subject to the dower right of Mrs. Mary Ann Roberts, On six months credit with interest from date, (except Costs of Suit & expenses of Sale which will be Cash.)

at public Auction, the Land whereof Benjamin M. Roberts died possessed, containing 230. Acres more or less, adjoining the Land of William Johnson, Tho^s. Saunders & Nathaniel P. Johnson, having first given at least twenty days notice of such sale by advertisement at the Court House door of Isle of Wight County, and at least three or more other public places in said County, And take from the purchaser Bond with sufficient Security, And retain the title till the further order of the Court. And return said Bond to Court with a report of his proceedings under this Decree. But this decree is to be Suspended until M^H. Watkins shall execute a bond before the Clerk of this Court in his office, in the penalty of \$2000: payable to the Commonwealth of V^a. Conditioned faithfully to execute this Decree.

Attest

Teste.

J. C. Latimer Dc.

att. fee \$10.00
clerk's " 5.50
\$15.50

Roberts &
vs. Zephny Deane
Roberts & Deane

My friends
A. P. Young

Roberts sal.

^{27.}
Roberts

This cause came on this day to be again heard on the papers formerly read and on the report of ^{Comd} M. H. Watkins, made pursuant to the Decree made in this cause ~~on~~ on the 1st day of Nov. 1858, to which report there is no exception, and was argued by counsel - On Consideration whereof the Court doth adjudge order & decree that Meredith H. Watkins, receive of the Clerk of this Court & that the Clerk of this Court deliver to him, the Bond of Miles W. Roberts & A. H. Ashburn for \$1450. filed with said report. & proceed to collect the same and pay & distribute the same as follows. To Miles W. Roberts $\frac{1}{7}$ - To Stephen W. Roberts $\frac{1}{7}$ - To Geo. W. Roberts $\frac{1}{7}$ - To Sylvester J. Roberts $\frac{1}{7}$ - To Benj^a. C. Roberts $\frac{1}{7}$ - To Francis C. Roberts $\frac{1}{7}$ & to Nathl. C. Roberts $\frac{1}{7}$ - the portions for the parties who are under 21 years of age to be paid to their legally qualified Guardian - and the said Watkins, as Comd. aforesaid will execute a deed to Miles W. Roberts for the said Land in the usual form with special warranty & make Report to Court.

Roberts

or

Roberts

1859

July C^t. Decree
to collect fr.

To be entered

Wm. H. Casey

Ent^d.

In Sd of Wight County Court.

July 4th 1859.

Stephen W. Roberts & als.

Plffs

against

In Chy.

Mills W. Roberts & als.

Defrs

This Cause Came On this day - To be again heard - On the papers formerly read, And On the report of Commissioner M. H. Watkins Made pursuant to a decree Made in this Cause On the 1st day of Nov. 1858. to which report - there is no exception, And was argued by Counsel - On Consideration - Whereof the Court doth adjudge - order and decree that Merideth H. Watkins receive of the Clerk of this Court, & that the Clerk of this Court - deliver to him - the Bond of Mills W. Roberts & A. H. Ashburn for \$1450: filed with said report. & proceed to collect the same; & pay and distribute the same as follows; to Mills W. Roberts 1/7. To Stephen W. Roberts 1/7. - To John W. Roberts 1/7 - To Sylvester J. Roberts 1/7 - To Benj. C. Roberts 1/7 - To Francis C. Roberts 1/7 - To Nath. P. C. Roberts 1/7. The portion for the parties who are under 21 Years of age - to be paid to their legally qualified guardian. And the said Watkins as Commissioner aforesaid - will execute a deed to Mills W. Roberts for the Land - in the usual form - With special Warranty. & Make report to Court.

Attest

Teste.

J. C. Latimer D.C.

J. M. Roberts
vs. Zeph Deere
Mills v. Roberts

Roberts &c

by

Roberts &c.

This cause came on this day to be again heard on the papers formerly read & on the report of Com^r. M. S. Watkins made pursuant to the decree of July 4th 1859, to which report no exception has been filed & over argued by counsel. On consideration whereof the Court doth adjudge, order and decree that the said Report be confirmed (and that the proceedings had in this cause be confirmed, and made final between the parties

Roberts &

By } final
decree

Roberts &

To be entered

Wm. V. Casey

Ent.

Know all Men by these Presents, That we Meridith W. Wattrin

are held and firmly bound unto the Commonwealth of Virginia in the sum of Seven Thousand
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. As witness our Hands and Seals, this 6th day of December
in the year of our Lord, one thousand eight hundred and fifty eight

The Condition of the above Obligation is such, That whereas, by a Decree of
the Circuit Court of Isle of Wight County, pronounced on the 1st day of November 1858
in a cause depending in the said Court, in which Stephen W. Roberts
and others are

Plaintiff, and

Wm. W. Roberts & others are

Defendant, the

above bound Meridith W. Wattrin was appointed a special
Commissioner to sell on the premises subject to the order of
Mr. Wm. W. Roberts on 6 months credit with interest from
date, except for costs of suit & sol. which will be cash. the
Land whereof Benj^m Roberts did propose & to take from
the purchase Bond with sufficient Security &
retain the title till the further order of the Court.
& return said Bond to Court & make report
to Court.

Now, if the above bound shall faithfully discharge
his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise
to remain in full force and virtue.

Signed, Sealed and Delivered }
in the presence of }

M. Wattrin



A. H. Ashburn



Roberts Jr.
m. $\frac{3}{3}$ Cand. Bond
Roberts Jr.

Dec. 6. 1838 executed
Filed