

1834-052 SOUTHAMPTON COUNTY
CHANCERY PAPERS

DELK VS DELK'S INFANTS

3/1834

1076

Delk Bill
No. 108 } answer
Delks imports } decree

4833 Jan - Decree as filed & p

1834 March. Report ret'd
made Sunday 28th

To the worshipping court of Southampton County in chancery sitting
Humbly complaining, shew unto your worships your orator Almarine
A. Delk, that on or about the 24th day of January last his father
Edwin Delk, departed this life, possessed in fee simple of one seventh
part of a water, grist mill in this County known by the name of the
Upper mill. He farther shews that his father left also two
other sons Thomas V. Delk and Edwin A. Delk infants of tender
years brothers of your orator; that the said Edwin Delk left a will
but has made no devise relative to the said mill. Your orator
is advised that a sale division of the money would be much more
beneficial to your orator and his younger brothers than the profit of so
small a portion of the mill would be; especially as the said mill at
present is in bad repair and must be an expense rather than a pro-
fit for several years; and as the one seventh to which your orator &
his infant brothers are entitled is of much less value than \$300.
In tender consideration whereof and in as much as your complainant
is without remedy elsewhere than in a court of equity where matters
of this kind are properly cognizable, he prays that the aforesaid $\frac{1}{7}$
of said mill be sold, and the money divided between your orator & his in-
fant brothers. He farther prays that the infants Thomas V. Delk
and Edwin A. Delk by some friend to be appointed by the court to
defend them in this behalf be made defendants hereto and be com-
pelled to answer all and singular the allegations herein contain-
ed fully and unequivocally. Your orator farther prays that the court
may make any other or farther order in the premises, that they in
their wisdom may think right and just and as in duty bound he
will ever pray.

Almarine A. Delk

To the worshipping court of Southampton County, in Chancery sitting:
The joint and separate answers of Thomas M. Delk, and Edwin H. Delk infants
of tender years by Jeremiah Delk their next friend appointed by the
court to defend them against a bill of complaint exhibited against them
by Almanie A. Delk. These respondents now and at all times sa-
ving and reserving to themselves every benefit of exception, in the complain-
ant's bill contained for answer thereto or to so much as they are advised
is necessary and material for them to answer, answer and say that
they admit the allegations of the complainant's bill and that they are
willing that the one-seventh of the Mill mentioned in the bill
should be sold and the money divided between the parties, and that the
court may pronounce such a decree, in the premises that they in their
wisdom ^{may think} right and just, relying in the wisdom and justice of the court.
These respondents having answered, pray to be hence dismissed &c.

Jeremiah Delk
next friend to the infants
Th. M. & E. H. Delk

Delk — — — complainant } In Chancery
vs
Delks by next friend defendants }
By consent of the parties and with the assent of the court this
cause was this day docketed and came on to be heard upon the bill answer
and other exhibits filed and was argued by counsel, whereupon it is ad-
judged, ordered and decreed that Jason M. Delk after giving due notice
of the time and place of sale do sell to the highest bidder the one-
seventh part of the upper Mill mentioned in the complainant's bill.
That he take three bonds of the purchaser, each for 1/3 part of the
sale, after deducting the expense of this suit, payable the 1st Jan'y next,
that he deliver one of the bonds to Almanie A. Delk one to the guardian
of Thomas M. Delk and the other to the guardian of Edwin H. Delk,
and finally it is ordered that the said commissioner do make a re-
port of his proceedings to this court for a final decree.

Delh Report of
vs Court
Delhs infants

I Jason M. Delk commissioner appointed to carry into effect the decree of the county court of Southampton pronounced at January term 1833 directing the sale of the seventh of the Upper Mill whereof Edwin Delk died seized and possessed, respectively report. That after advertising, and giving due notice of the time and place of sale, I proceeded to sell to the highest bidder, the said one-seventh of the said Mill and the lots of land thereunto attached, and sold the same to Joseph Pretlow for the sum of Fifty-five dollars. I took three bonds, each for the sum of Sixteen dollars & 66 $\frac{2}{3}$, which is one third part of the sale, deducting the expenses, and delivered One of the bonds to Almarine A. Delk in his own right, and the other ^{two} ~~three~~ to the said Almarine A. Delk as guardian of Thomas N. Delk and Edwin N. Delk as by the decree directed. And lastly I made a deed for the said one-seventh of the said Mill & lots of land without warranty to the said Joseph Pretlow. Your commissioner, having as he conceives performed the duty assigned him, ask to be discharged.

Southampton County

Nov^r 30 1833.

Atkinson &

to 3 note

belts' exam.

We Timothy Atkinson and
do promise and bind ourselves our heirs &c to pay or cause
to be paid unto Peter T. Sprattley and Almarine A.
Delk Executors. of Edwin Delk, decd. the just and full
sum of Thirty-five dollars and fifty cents lawful mo-
ney of Virginia, on or before the 31st day of December
next. Given under our hands and seals this 1st day
of January 1833.

Witness.

