

1851-005

SOUTHAMPTON COUNTY
CHANCERY PAPERS

DARDEN and Wife et al vs. PHILLIPS and Wife et al
5/1851

other surnames: Dove, Ricks

Kilby Jr.

Wm H. Warden wife &c.

Mr. S. Rice &c.

Attest. P. Phillips wife
Others

1850 Aug. Deeds as filed &c.

" Oct. Deeds amended.

" Dec. Rep't.

1851 Jan. De. confirmed

" Apr. Report.

" May " Confm."

120 acres Alexander &c.
Trak

Southampton Co. Ct.

To the Worshipful Court of Southampton County
~~County~~ in Chancery sitting.

Humbly Complaining shew unto the Court
Your Complainants William H. Warden and Mary
W. his wife, Samuel Dove and Ann Eliza his wife.

That by an act of the General Assembly of Virginia
passed the ^{entitled "an act"} day of 1850, the Commonwealth's
right and claim to a certain tract of land in the
said County, described as containing
acres more or less, ~~were~~ released to the heirs of Edwin Ricks
deceased of said County - That the said Land adjoins
the Land of Edwin Ricks estate, & Nottoway river and
formerly belonged to one McNeil a foreigner -

That Edwin Ricks who died in said County
intestate, many years ago, left as his heirs at Law
his widow, Maria E. now the wife of Nathl. P. Phillips,
and four children to wit: Ann E. now the wife of
Saml. Dove, Mary W. now the wife of Wm H. Warden,
Virginia E. Ricks and Caroline P. Ricks, the two
last being under twenty one year of age -

That this Land is of no great value, and cannot
be divided to any advantage, Your Complainants therefore
pray that the same may be sold and a reasonable
sum assigned Nathl. P. Phillips & Maria E. his wife
in lieu of any dower she may have therein, & the balance
divided among the heirs aforesaid according to their
several rights -

Your Complainants further represent that the said
Edwin Ricks died possessed of a considerable real &
personal estate in Southampton County - and that
about 1835, there was, assigned by a Decree of this Court (Ann
E. Ricks to them against Robert Ricks ad. &c.) to Maria
the widow of said Edwin Ricks her dower in the same
and further, that by a Decree also of this Court in

1840 the portion of Samuel Dore and Ann E. his wife was assigned him therein, and the portions or shares of Mary W. Virginia E. and Caroline P. Ricks were left undivided —

Your complainants charge that there now remains undivided in possession of the said three last named parties, a tract of land in said County, containing by estimation nine hundred & fifty eight acres more or less, lying on Nottoway river and adjoining the lands of Jonathan Darden, James Drake (formerly Story's) John Scarborough & others and the following negro slaves, to wit: men Dick, Amos, Tom, Nelson & Mugs, women Phillis & Minerva & five children, Ann, Effy, George, Indiana & Nancy and boys Levy & Robert, which your complainants pray may now be divided between the said Mary W. (now the wife of Wm. N. Darden) Virginia E. & Caroline P. Ricks in equal parts —

In the End therefore as your complainants are without adequate remedy save in a Court of Equity, they pray that Nathaniel P. Phillips and Maria E. his wife, and Virginia E. & Caroline P. Ricks may be made defendants, be so required to answer the several allegations herein — that some fit & proper person may be appointed to defend the Infant defendants in this suit — that some person may be appointed to sell the tract of land of

acres more or less, as aforesaid; and that others assisted by a competent Surveyor, if necessary, may be directed to divide the tract of land of 958 acres more or less & the negro slaves aforesaid between the several parties entitled, and that such other & further decree may be made in the premises as is consistent with equity &c. & your complainants will

ever pray &c.

John R. Kilby Jr. &

The joint & separate answer of Nathl. P. Phillips & Maria E. his wife to the foregoing bill of complaint

These Respondents saving &c. say That the facts and statements contained in the foregoing bill are true as they truly believe, and they have no objection to the prayer of the complainants' being granted

(signed)

N. P. Phillips &
by J. R. Kilby attor.

The joint & separate answer of Virginia E. Ricks & Caroline P. Ricks, infants under 21 years of age (to the foregoing bill) by L. R. Edwards Their guardian ad litem —

These Respondents saving &c. say being under 21 years of age, & infants are ignorant of their rights, but they submit them to the discretion of the Court, & pray no decree or order may be made inconsistent with their just rights &c.

signed

L. R. Edwards genl &c

Secrecy

William H. Warden and Mary W. his wife,
and Samuel Dove and Ann Eliza his wife Compts:

against

Nathaniel P. Phillips and Maria E. his wife,
Virginia E. Ricks and Caroline P. Ricks Defts.
the last two infants, &c

In
Chy:

On motion of the plaintiffs by Counsel L. R. Forward, is by the Court appointed guardian ad litem to the infant defendants, to defend them in this suit; and this cause came on to be heard by consent of parties and with the assent of the Court, on the Bill and answers filed and was argued by Counsel; On consideration whereof the Court doth adjudge, order & decree that Nathaniel P. Phillips (who is hereby appointed a Commissioner for that purpose) proceed to make sale of that tract of land named in the proceedings described as containing two hundred and seventy acres more or less, and adjoining the lands of Edwin Ricks' estate, and Nottoway River, & was formerly the property of one McNiece a foreigner, and in which the Commonwealth released her right & claim to the heirs of said Edwin Ricks by act of assembly passed the 8th day of Feb^y 1837 entitled "An act ~~to~~ releasing to the heirs of Edwin Ricks the Commonwealth, such sale to be made before the Court house door of Southampton County, on some County Court day at public auction, to the highest bidder, on a credit of six months (except for a sum to pay costs & charges which will be in cash & paid to those entitled) ~~and~~ notice of the time & place & terms ^{of such sale} having been previously given at the Court house door of said County & at least four other public places in said County The said Commissioner will take bond with good security for the credit part of the sales payable to the several parties as follows - one for one sixth part thereof to

Nathaniel P. Phillips, in right of his wife Maria, in lieu
of her dower therein; one to William H. Garden in
right of his wife Mary W. for one fourth of the remainder
one to Samuel Done in right of his wife Ann Eliza for
a like fourth; and one to each of the infant defendants
Virginia E. and Caroline P. Ricks for one fourth of
said ~~remained~~ balance, and assign the same to
the ~~parties~~ adult parties & the ^{legally qualified} guardian of the said
infants and make to the purchaser a deed with
special warranty in the usual form & make
report to Court - But before the said Nathaniel P.
Phillips shall have power to execute this
deed he shall execute a bond as the Law
requires in the penalty of \$1000 -

and the Court doth further adjudge,
order & decree that Benjamin Doan, George A.
W. Newson, Robert Ricks and Elijah Nelson
or any ~~three~~ three of them, assisted by a competent
surveyor if necessary, divide the tract of
Land mentioned in the proceeding, as contain-
ing 958 acres more or less, formerly Edum Ricks, and
adjoining the lands of Jonathan Dason, James Drake
(formerly Story) John Scarbrey & others lying on
Mottoway river; and also divide the negro slaves,
Dick, Ann, Tom, Nelson, Mings, Phillis, Minerva & five children
Ann, Effy, George, Indiana & Nancy, and boy Leroy & Robert,
in three equal parts, having regard to quantity
& quality and set apart & assign to William
H. Garden in right of his wife Mary W.
one full and equal third part thereof; and
to Virginia E. Ricks one third thereof, and to Caroline
P. Ricks the other third thereof, and make report
to Court.

Darden

~ } Ann's Darden

Ricks

1850 October.

Wm H. Darden trustee to them

v.

Reck's Sale

In Southampton Co. Ct.

This cause came on this day to be heard on
the papers formerly read & it appearing to the Court
that, in the decree ^{pronounced} ~~entered up~~ in this case on the

day of August 1830, there is an error, in
this, to wit - that it directs Nathaniel P. Phillips
the Commissioner therein named to make sale
of two hundred & seventy two acres of land
more or less as therein specified, - whereas, it
should be a tract of One hundred and twenty
acres, more or less - It is therefore decreed and
ordered that the said Nathaniel P. Phillips
Commissioner as aforesaid execute said
decree in all respects subject to the correction now
here made -

Carton & als
vs 2/3 Deane
Phillips & als

A Copy

Southampton County Court, October Term, 1850.

Wm St. Gordon & wife & others

against

Nathaniel P. Phillips & wife & others

} In Chancery -

This cause came on this day to be heard on the papers formerly read & it appearing to the Court that in the decree pronounced in this case on the day of August 1850, there is an error in this, to wit: that it directs Nathaniel P. Phillips the Commissioner therein named to make sale of two hundred & seventy two acres of Land more or less as therein specified. - whereas it should be a tract of One hundred and twenty acres more or less. It is therefore decreed and ordered that the said Nathaniel P. Phillips Commissioner as aforesaid execute said decree in all respects subject to the correction now here made -

A Copy

Teste, L. R. Edwards, C. C.

Darden

~ { Report

Ricks

1855 December 6th

Wm H. Pardon & wife vs Ricks

Sales of the 2^d Mill land made the 18th day of November
1850 by Virtue of a decree of the County Court of Southampton
belonging to Edwin Ricks entered by N. P. Phillips Commissioner.

174 Acres of land to Wm H. Pardon \$172. —

Charges

To 5 pcent Commission

" Cash to pay for same &c.

\$8.60
7.00

15.60

\$156.40

1/4 to N. P. Phillips

1/4 of the bal. to Saml. R. Quar

1/4 " to Wm H. Pardon

1/4 " Virginia Ellicks Guar?

1/4 " Caroline P. Ricks' do

monies taken for the whole

\$26.00 2/3

32.58 1/3

32.58 1/3

32.58 1/3

32.58 1/3

\$156.40

\$156.40

according to the order of the court
and paid to the parties.

N. P. Phillips, Comr.

Darden Knife

~ } Copy Done

Ricks

In Southampton County Court, August 19th, 1850.

William H. Darden and Mary W. his wife and Samuel Dove
and Ann Eliza his wife Complainants

against

Nathaniel P. Phillips and Maria C. his wife, Virginia C.
Ricks and Caroline P. Ricks Defendants

The last two infants.

In Chy

Defts

On motion of the plaintiffs by Counsel L. R. Edwards is by the Court appointed guardian ad litem to the infant defendants to defend them in this suit; And this cause came on to be heard by consent of parties and with the assent of the Court, on the Bill and answers filed and was argued by Counsel; On consideration whereof the Court doth adjudge, order & decree that Nathaniel P. Phillips (who is hereby appointed a Commissioner for that purpose) proceed to make sale of that tract of Land named in the proceedings, described as containing Two hundred and seventy acres more or less, and adjoining the Lands of Edwin Ricks estate, and Northway river & was formerly the property of one McNeil, a foreigner and in which the Commonwealth released her right & claim to the heirs of said Edwin Ricks by act of assembly passed the 8th day of July 1850, entitled "an act releasing to the heirs of Edwin Ricks the Commonwealth's right to certain land therein mentioned; such sale to be made before the Court house door of Southampton County, on some County Court day at public auction, to the highest bidder, on a credit of six months (except for a sum to pay costs & charges which will be in cash & paid to those entitled) notice of the time & place & terms of such sale having been previously given at the Court house door of said County & at least four other public places in said County. The said Commissioner will take bonds with good security for the credit part of the sales payable to the several parties as follows - one for one sixth part thereof to Nathaniel P. Phillips in right of his wife Maria, in lieu of her dower therein; one to William H. Darden in right of his wife Mary W. for one fourth of the remainder, one to Samuel Dove in right of his wife Ann Eliza for alike fourth, and one to

each of the infant defendants Virginia E. and Caroline P. Ricks for one fourth of said balance, and assign the same to the adult parties & the legally qualified guardian of the said infants and make to the purchaser a Decree with special warranty in the usual form, & make report to Court.

But before the said Nathaniel P. Phillips shall have power to execute this decree, he shall execute a bond as the Law requires in the penalty of \$1000.

And the Court doth further adjudge order and decree that Benjamin Devany, George S.W. Newcome, Robert Ricks and Elijah Helms, or any three of them, assisted by a competent Surveyor if necessary, divide the tract of Land mentioned in the proceedings as containing 958 acres more or less, formerly Edwin Ricks and adjoining the Lands of Jonathan Garden James Drake, (formerly Storys) John Seaborn, & others lying on Nottoway river, and also divide the negro slaves, Dick, Amos, Tom, Nelson, Mingo, Phillis, Minerva & five children, Ann, Effy, George, Indiana & Nancy and boys Levy & Robert, in three equal parts, having regard to quantity and quality and set apart and assign to William St. Garden in right of his wife Mary W. one full and equal third part thereof, and to Virginia E. Ricks one third thereof and to Caroline P. Ricks the other third thereof, and make report to Court.

A Copy

Teste. J.R. Edwards 66

Comp^{ms} Report

Pursuant to the annexed decree of the County Court
of Southampton and to us directed - We the undersigned
commissioners named in the said decree, proceeded on
the 26 day of Dec: 1850 to value and divide the slaves
therein named as follows -

In Lot No. 1 We placed Mingo Valued at \$900 Nelson
at \$600 Menerva & Chito at 500 and Effy at
500 making the sum of \$2500 which
lot was drawn by Virginia E. Ricks

" " No 2. We placed Amos valued at \$250 Duke 600
Robert 500 and Ann Eliza 700 making
the sum of \$2650 which lot was drawn
by Caroline P. Ricks and pays to lot No 1.
\$8.50

" " No 3 We placed Tom valued at \$850 Levi at
800 George at 400 Filling at 400 and Indiana
at 325 making the sum of \$3775 which
lot was drawn by William Darden in
right of his wife Mary W and pays
to lot No. 1. \$133.33. - All of which
is respectfully submitted to the County Court of So.
ampton

April 26, 1851.

Benj. Devany } Compt.
G. A. M. Newcom }
Robt. Ricks }

(Bons.)

See square 1000

1000

1000

Know all men by these presents that we
Nathaniel P. Phillips and Peter J. Holmes
are held and firmly bound unto the
Commonwealth of Virginia in the
sum of One thousand dollars

current money of Virginia to which
payment well and truly to be made
we bind ourselves, our ~~and~~ each of our heirs,
executors (and administrators, jointly &
severally, firmly by these presents—
Sealed with our seals and dated this
16th day of September 1850—

The condition of the above obligation
is such that whereas the said Nathaniel P.
Phillips has been appointed a Special
Commissioner to make sale of certain real
estate, under & by virtue of a decree of the
County Court of Southampton County dated the
day of August 1830 in a chancery cause
therein pending wherein William H. Ward and
Mary W. his wife and others are plaintiffs &
said Nathaniel P. Phillips and Maria E.
his wife & others are defendants—

Now if the said Nathaniel P. Phillips
shall faithfully perform the duties of his
trust, then the ~~above~~ obligation to be void
else to remain in full force & virtue.

Witness

N. P. Phillips
P. J. Holmes

Esq
Esq