

1854-030

SOUTHAMPTON COUNTY
CHANCERY PAPERS

RICKS

VS. PHILLIPS and Wife & al

3/1854

Plat

other surnames: Dove,
Darden, Pretlow

317. Nelly p. 9
Caroline Ricks

br. { Ricket

Edwin D. Phillips and
Virginia his wife &
Mrs. J. Patton

1853 July. Dena as folo
" Dear Rep.

1854, Jan. Rep. recommended of?
" Mar. Exceptions withdrawn. Rep.
Confer^d of?

To the Worshipful Court of Northampton County - in chancery sitting -
Humbly complaining shew unto the Court your complainant
Caroline Ricks, an infant under twenty one years of age
suing by Nathl. P. Phillips her next friend -

Your Complainant respectfully shew unto the Court
That Edwin Ricks, the father of your complainant died in said
County, intestate about the year 1835, leaving a widow named
Maria (now the wife of N. P. Phillips), and the following
children, to wit: Virginia (now the wife of Edwin S. Phillips),
Anne E. (now the wife of Saml. E. Dove, Mary W. who married
Wm. Darden & your Complainant, Caroline Ricks -
That the said Edwin Ricks died possessed of, among other
estate, considerable real estate in said County, out of
which the said Maria (his widow) has had her Dower
assigned her by order of said County Court - also the
said Anne E. Dove has had her portion assigned her
by order also of said Court, leaving the shares of the
said Mary W., Virginia & Caroline undivided -

Your Complainant also shew to the Court That the
said Mary W., has departed this life in January 1852
without issue & under twenty one year of age, leaving
as her heirs at Law, her Sisters Virginia & Caroline
of the whole blood & her sister Anne E. Dove of the
half blood. ~~as her heirs at Law~~ - That said Anne
E. Dove together with her husband Saml. E. Dove has by
deed of record in said County Court, sold her right
in her sister Mary's estate to Dr. Thos. J. P. Shelton

Your Complainant therefore prays That the portion
of said estate which she & her sister Virginia, may be
entitled shall be laid off & assigned them, ^{together} ~~and~~
~~that it may be assigned them out of that part~~
~~of the land adjoining the piece of land now called~~
~~called the Mexico land now held by N. P. Phillips~~
~~as the said Virginia & Caroline, as deed from Wm. Darden to N. P.~~
~~Phillips dated the 1st of July 1851, which said~~
~~land is the same as the land now held by N. P. Phillips~~ - and further

that by deed dated 1st June 1852 Wm. H. Garden sold to
N. P. Phillips for the benefit of said Caroline Virginia
120 acres of land more or less called McKiebs, which
your Comtth. pray may be also divided between the
said Caroline & Virginia
that after the said ~~judgment~~ the portions thus belonging
to your complainant & her sister Virginia ~~may be~~
~~Phillips for them, may be equally divided between them~~
~~and the proceeds decided between them~~ That in
making said division the portion of their sister Mary
may be also divided between the parties entitled.

In consideration whereof, ~~and~~ for as much as a Court
of Equity has jurisdiction to the End therefore your
Complainant prays that Edwin D. Phillips, and
Virginia his wife and Mr. J. Prettow may be
made Defendants hereto & be required to answer
the several allegations herein - That the portions
of land to which your complainant and the said
Virginia are entitled, may be assigned as prayed for, and
that the same may be sold & divided as
prayed for, and that such other further
relief may be granted as may be consistent
with Equity.

John R. Kilby - p. 2.

The answer of Mr. J. Prettow to the foregoing bill,
This respondent says the facts contained in
the said bill are true - he is the purchaser of
the interest of Anne E. Dove in the premises,
& has no objection to a decree for division.

J. J. Prettow

The joint & separate answer of Edwin D. Phillips
and Virginia his wife to the foregoing Bill -

These Respondents say, that they admit
the several charges contained in the bill to
be true & have no objection to the complain-
ants prayer being granted

Edwin D. Phillips &
Virginia his wife
by John R. Kilby attn.

Ricks/V. P?

07. J. Deere
Phillips Sal.

Caroline Ricks an infant suing by Nathl. P. Phillips
her next friend Complt.

vs.

Edwin ~~D.~~ Phillips ~~and~~ Virginia
his wife & Thomas J. Pettow Defs.

This cause was this docketed by consent
of parties, and with the assent of the Court, and the Com-
plainant this day, by like consent, filed her Bill
and the defendants their answers, & replications
being filed to said answers, this cause came on
this day to be heard by consent of the parties, on
the Bill answers and replications, and was
argued by counsel. On consideration whereof the
Court doth adjudge, order and decree that George
C. W. Newcome, No. Ricks, Benjⁿ. Swaney, Elijah
Nelms (and Wm. H. Summerville, or any three of
them, who are hereby appointed Commissioners for
that purpose, proceed to divide the Land of which
Edwin Ricks died seised, ~~not heretofore divided~~
as follows, to Caroline Ricks, ~~and to Edward D.~~
Phillips & Virginia his wife ^{fourteen} ~~fifteen~~ fifteenth of the
whole tract of land, and to Thomas J. Pettow
as purchaser from Saml. E. Dove & Ann E. his wife
one fifteenth of the same — that the portions
of said Caroline Ricks & Edward D. Phillips Virginia
his wife are to be assigned ^{together} ~~adjoining and other~~, &
~~also adjoining to the tract of land called Menards~~
~~now held by N. P. Phillips for their use & benefit~~.

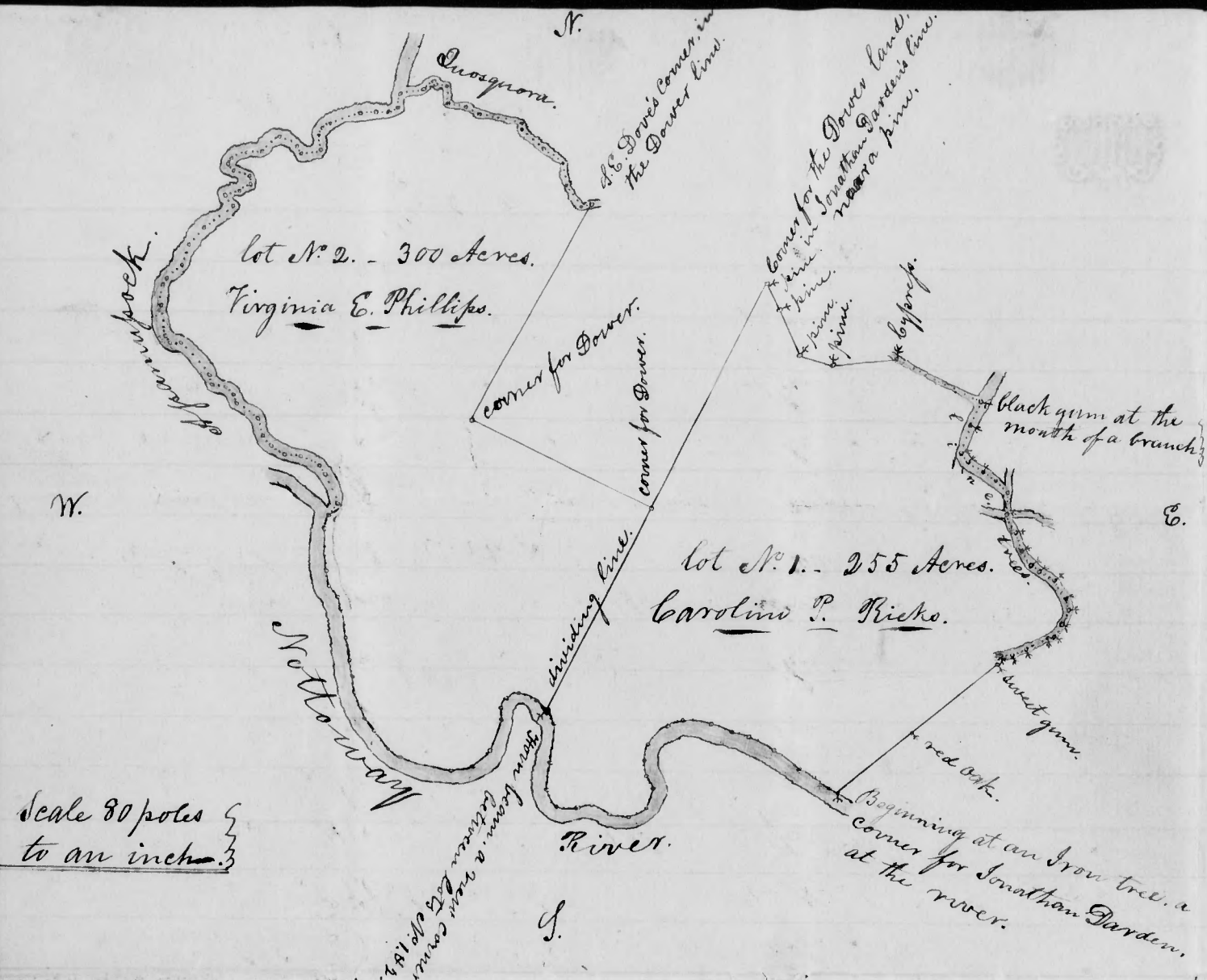
~~And the Court doth further adjudge, order~~
~~and decree that, after the said Commissioners shall~~
~~have made the said division and apportionment,~~
~~that Nathl. P. Phillips who is hereby appointed~~
~~a Commissioner for that purpose, make sale of the~~
~~portions thus assigned to the said Caroline Ricks, &~~

~~and~~ ~~Edward D. Phillips and Virginia his wife~~
~~and~~ ~~to it further deemed proper that the said~~
~~Commissioners or such as may act, shall after~~
~~they have made such division, then proceed~~
~~to divide in two equal parts the Land thus~~
~~assigned to said Caroline Ricks & said Phillips~~
~~& Virginia his wife, together with the Mc Nire~~
~~Land aforesaid, now held by D. D. Phillips for~~
~~their benefit under a deed from Wm. H.~~
~~Ward dated 1st June 1852, and set apart~~
~~one equal moiety of the whole to said~~
~~Caroline Ricks, (and the other moiety~~
~~to Edward D. Phillips in right of his wife~~
~~Virginia); and make report to Court.~~

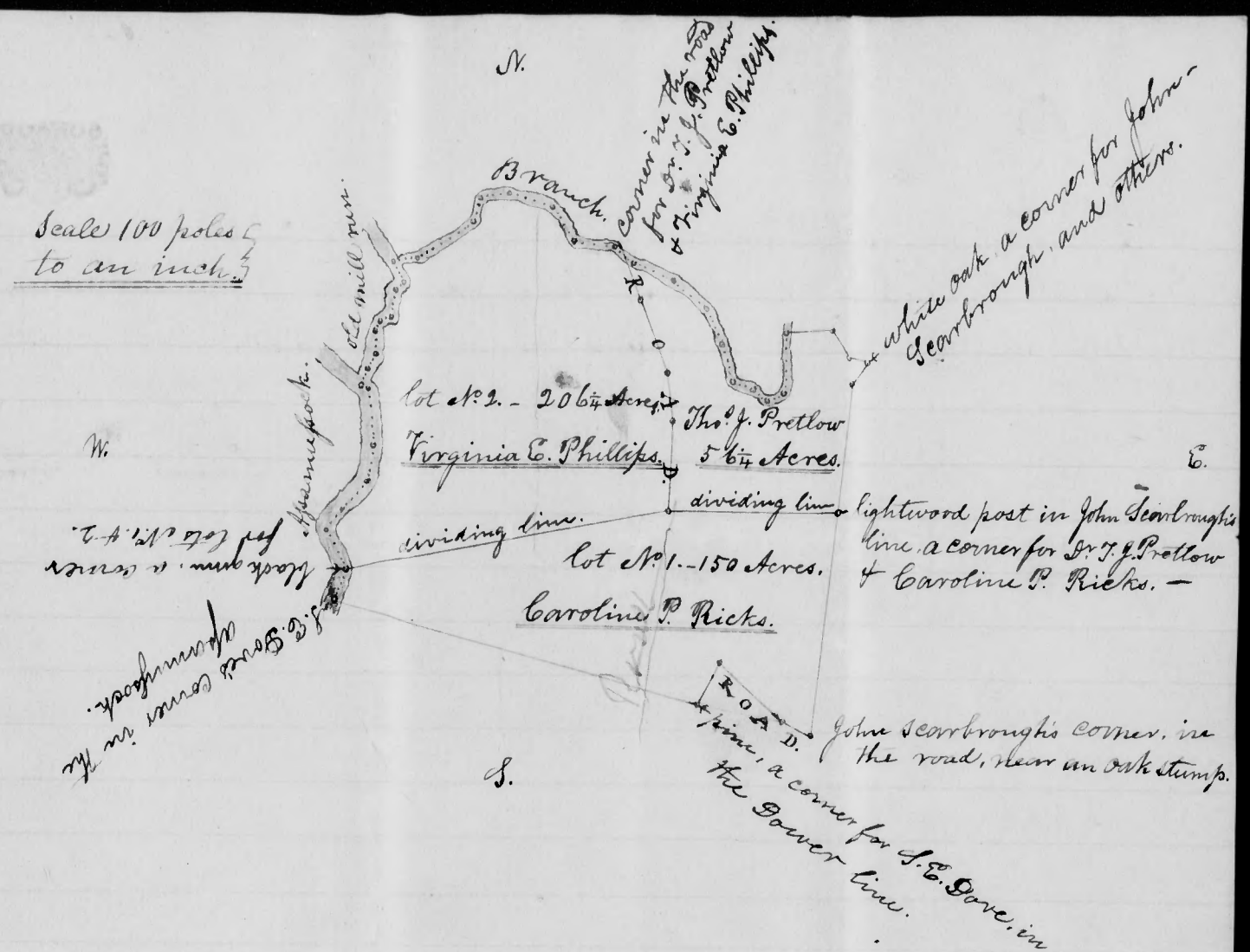
and the said Commr. will then divide equally
between the said Caroline Ricks & Edward D.
Phillips in right of his wife Virginia, the
said fourteen fifteenths, and also the Mc Nire
Land, now held by W. D. Phillips for their
benefit under a deed from Wm. H. Ward
dated 1st June 1852, and report to Court

Plots and Division of
part of the land of
Edwin Ricks, dec.,
October 1853.

1853 Div. 1st.



This plot represents the land of Edwin Ricks, dec. lying on the South side of the Quosquora branch adjoining the Dower land, containing five hundred and fifty five acres, including one hundred and twenty acres of the Mc Neal tract of land; and divided between Virginia E. Phillips and Caroline P. Ricks, as represented on the plot, by direction of the Comm^{rs} and bounded as follows. Beginning at an Iron tree standing on Notoway river, a corner for Jonathan Darden, thence along his line N. 50° E. 107 poles to a sweet gum, thence N. 15° E. 5 1/2 poles to a black gum standing in a branch, thence along a line of marked trees, in said branch as represented on the plot, to a black gum standing at the mouth of a small branch, thence along a line of marked trees up said branch N. 62° W. 49 1/2 poles to a cypress. thence S. 82° W. 33 poles to a pine thence N. 71° W. 19 1/2 poles to a pine, thence N. 23 1/2° W. 25 poles to a pine, thence N. 28° W. 15 1/2 poles to the Dower line, in said Darden's line; thence along the Dower line S. 26° W. 13 1/3 poles, thence N. 64° W. 104 poles, thence N. 28° E. 129 poles to the run of the Quosquora branch, thence down the run of said branch to the apamupock, thence down the run of the apamupock to the river, & down the margin of the river to the Beginning. The dividing line begins at the corner of the dower in the lane, running S. 26° W. 113 poles to a horn beam at the river, Thos. B. Wood.



The above plot taken from the Survey of the land of Edwin Ricks, dec. made by William B. Hood Esq. represents the North part of said land; containing four hundred and twelve & half acres, and bounded by the apamupock, the lot assigned to S. E. Dove in right of his wife, by the Dower land, and by the lands of John Scarbrough and others. — And divided by direction of the said Comm^{rs} in conjunction with the foregoing 555 acres, as follows. Lot No. 1. Containing 150 acres, drawn by Caroline P. Ricks, and bounded as follows, beginning at John Scarbrough's corner in the road, in the Dower line, thence along the road and Dower line 55 poles, thence S. 27° W. 29 poles to a pine, S. E. Dove's corner, thence his line N. 74° W. to the apamupock, thence up the run to a black gum, a corner for lots No. 1 & 2, thence a new line N. 80° E. 164 poles to the road, a new corner for Dr. Tho. J. Pretlow, thence along his new line East 96 1/2 poles to a lightwood post, a new corner in John Scarbrough's line, thence along his line to the beginning. — Lot No. 2. Containing 20 1/4 acres drawn by Virginia E. Phillips, and bounded as follows. Beginning at a black gum at the run of the apamupock a corner for lots No. 1 & 2, thence N. 80° E. 164 poles to the road, a corner for Dr. Tho. J. Pretlow, thence his new line along the road, a Northerly course 133 poles to a branch, thence down the run of the branch to the old mill run, thence down the run to the apamupock, and down the run of the apamupock to the beginning. —

of ballance.
The¹ containing $5\frac{1}{4}$ Acres allotted to Dr Thos.^d J. Pretlow, and
bounded by lots N^o 1. & 2. as above described, and by the lands
of John Searbrough and others as represented on the plot.

Thos.^d B. Worrell

October 1853.

To the County Court of Southampton

Pursuant to a Decree of the County Court of Southampton rendered July term 1853 We the undersigned Commissioners therein named proceeded to divide the lands of which Edwin Pinks died possessed - We assigned to Thomas J. Pottow 56 $\frac{1}{4}$ Acres of Wood land valued at \$4.00 per acre and then divided the remainder into 2 lots. Lot No 1. drawn by Caroline P Pinks embracing the McNeale tract of 255 acres valued at \$5.00 per acre, also 150 acres of wood land valued at \$4.00 per acre. Lot No 2. Drawn by Edward D Phillips in right of his Wife Virginia embracing all the land from Lot No 1. not included in the Dower which is bounded by the Pottoway river and the apamispook swamp containing 300 Acres valued at \$3.50 per acre, also 206 $\frac{1}{2}$ Acres of Wood land valued at \$4.00. For a more minute description of the bounds and courses of the above named lands we refer you to the plot of the County Surveyor which we herewith annex and beg leave to ^{make} it a part of our report -

Commissioners for

B Dewany \$5.00

Geo A W Newson 5.00

Robert Pinks - - 5.00

December 19, 1853

B Dewany
Geo A W Newson
Robert Pinks

Nichols
as { Exceptions
Phillips's wife

Ricks

as

Phillips & wife

exceptions to report

Thos J Prellow excepts to the report of the
Commissioners, because they have not made a fair
just and equitable division of the said tract of land
and have not allotted to him one fifteenthth of the said
land either in quality, quantity, or value - and therefore
he the said Thos J Prellow excepts to the said report
of the Commissioners, and prays that the same
may be set aside

Chambliss & Massabury
Attys for Thos J Prellow