1856-046 SOUTHAMPTON COUNTY CHANCERY PAPERS WILLIAMS vs. STORY et al

7/1856

other surnames: Moore

382.

Williams &c vs

vs 3

Story et als

1856. May— Decree as filed

" July. Report of Decree.

Bill, answer and decree

To the Worshipful county court of Southampton in chancery sitting

Humbly complaining your orator James H Williams an infant of tender years who sues by Elijah Williams his next friend sheweth unto your worships, that about the year 1846 Benjamin Story of this county died having first duly made and published his last will and testament, a copy of which is herewith filed marked A and prayed to be taken as a part of this bill, that by the said will he gave all his estate both real and personal to his wife Elizabeth during her life and at her death to be equally divided between his children Elliot L Story, Nancy B Moon, who was Story the wife of George Moon, Elizabeth M Story, Martha F Story, Benjamin F Story, and your orator James H Williams the son of Mary J. who was a daughter of the testator,

Your orator would state further that there was among other things devised a tract of land containing about four hundred acres and valued at eleven hundred dollars ($1100) and now in the occupancy of his grandmother Elizabeth your states that he is entitled to one sixth of the said tract in fee simple he being entitled to one sixth of the said land in remainder on the death of Elizabeth Story the widow and that he has manly purchased her life right in the said sixth and has a deed for the same

Your orator would now ask for a partition of the land that his interest and share may be allotted to him, but if that cannot be done conveniently or if the sale of the whole would be best or the payment in money be made to your orator for his share (as the value of each share and of his is by them $300)

In tender consideration whereof and inasmuch as your orator is without relief except in a court of equity he therefore prays that Elizabeth Story, George Moon and Nancy his wife, Elliot L Story Elizabeth M Story, Martha F Story, and Benjamin F Story may be

made parties defendant to this bill and cause them as full and perfect answer make to the allegations therein contained as if they had been thereunto more fully and specially interrogated, and that the court would direct the said Davis to pay to your orator one sixth of the full value of the said land and the cost of their failure so to do within a reasonable time that his share be allotted to him by a partition of the same and that the court would grant such other and general relief the premises considered as equity may dictate and the nature of his case may require and as in duty bound your orator will ever pray &c

Shands p.q.

The joint answer of Elizabeth Story, George Moore and Nancy his wife Elliot G Story, Elizabeth M Story, Martha F Story and Benjamin F Story to the above bill in chancery of Jas BC Williams by whom as them

These defendants for answer to the said bill or so much thereof as they are advised it is material for them to answer, answering say they have no objection to the court entering a decree in accordance with the prayer of the plaintiffs bill, and the defendant Elliot G Story says he is willing to pay to the plaintiff the full value of his interest in the said land and having fully answered they pray hence to be dismissed with their costs &c

Shands atty for
defts

Williams by nc
as 3 Decree
Story et als

By consent of parties this day this cause came on to be heard on the bill, answers, exhibits and affidavit files. and was argued by counsel on the hearing whereof the court doth adjudge order and decree, that upon Elliot G Story paying to the lawful guardian of James BC Williams the sum of one hundred and eighty three dollars and thirty three cents ($183.33 1/3) then and on that event James D Bryant who is hereby appointed a special commissioner for purpose shall execute a deed conveying to the said Elliot G Story all the right, title, and interest which James BC Williams has of, in, and to the tract of land devised by Benjamin Story to his wife Elizabeth and now in the possession and that the said Bryant shall report to the court when he shall have made the deed

Williams

v } Geo: Deane

Story &c

Southampton County Court May 19th 1856

James H. Williams by Elijah Williams his next friend Plff.

against

Elizabeth Story, George Moore & Betsey his wife Elliott L. Story, Elizabeth W. Story, Martha F. Story, & Benjamin F. Story Defts

} In Chancery

By consent of parties this day this cause came on to be heard on the bill, answer, exhibit and affidavit filed and was argued by Counsel, on the hearing whereof the Court doth adjudge order and decree, that upon Elliott L Story paying to the lawful guardian of James H. Williams the sum of One hundred and eighty three dollars and thirty three cents ($183.33) then and in that event James D Bryant who is hereby appointed a Special Commissioner for the purpose shall execute a deed conveying to the said Elliott L Story all the right title and interest which James H Williams has of, in, and to the tract of land devised by Benjamin Story to his wife Elizabeth and now in her possession and that the said Bryant shall report to the Court when he shall have made the deed.

A Copy

Test R R Edwards Clk

Williams
vs
Deane
Story &c

1856 July 21st.

Williams

vs 3 Doom

Story &c

This cause this day came on again to be heard on the papers formerly had and the report of James D. Bryant special commissioner made pursuant to a decree rendered at the May Term 1856 and was argued by counsel on the hearing whereupon the court doth adjudge order and decree that the said report be confirmed

Affidavit
of
Eliezer Williams

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143

State of Virginia
Southampton County } To

This day Elijah Williams personally appeard befor me a justice of the peace for the aforesaid county and made oath that he values the value of the land in fee simpee left by Benj^a Story dec^d to his wife for life and to his childrens and grandchildren at her death is three hundred dollars ($/100) and that he does not think the land could well be divided and that it would be better for his son James G. Williams a grandchild that the others or some one of the heirs should take his interest or share in the land at the above valuation given under my hand this 14th of May 1856

James Holmes J.P.

Williams

vs 3

Story &c

Commissioners report

1856 July 21st

Commissioners Report

The undersigned appointed special commissioner by a decree of the county court of Southampton rendered at the May term 1857 begs leave to report that Elliott L Story having paid to Elijah J Williams guardian to James H Williams the sum of one hundred and eighty three dollars and thirty three cents the amount directed to be paid he has in obedience to the said decree executed a deed to the said Elliott L Story All of which is most respectfully submitted by

James D Bryant Special Comm

E. J. Williams
Lenard.
Receipt-

$183.33

Received this 26th. day of June 1856 of Elliott L. Story the sum of One Hundred and Eighty three Dollars and 33/00 in full as the amount made in a Decree of the County Court of Southampton at its May term 1856 it being for the Interest claimed in sale of Land for the benefit of James H. Williams.

Elijah J. Williams
guardian for
James H. Williams

Friendly Suits in Chancery
in which no reports have been made

Removed from the Docket

D.

Chancery Causes

Decided May Term

1856