

1873 ~ 16 So Southampton County Chancery

Story, James B. etals vs Story, E.R.

Estate Settlement

Story, Parker D.

Bishop, Stith H.

Darden, Jonathan + wife

To the Hon. Judge of the County Court of So.
in Chancery sitting

Humbly Complaining shew unto your
Honor your. Compt. James B. Story, Parker D.
Story. Eliza H. Bishop and Harriet his wife, Jonathan
Deane and Sally his wife.

That Miles Story, has lately died in this County.
intestate, seized of a tract of Land on which he
resided, in Southampton County. Containing
250. Acs. with buildings thereon. That his
his heirs at Law are your Complainants.
and E. R. Story. who are entitled, in equal
parts to the said real estate.

That your Compts. desire a partition
of the said estate, but feel satisfied the
same can not be divided with an
almost entire destruction of the value of
the said Land. and as they are not
agreed, are compelled to come into a
Court of Equity.

In the said Consideration, &c. I did
as much as your Compts. are without
doubt in the premises in the premises -
except in a Court of Equity. To the End.
Therefore they pray your Honor to make
E. R. Story. Sept. to this will - That your
will appoint Comrs. to ascertain the
value of the above mentioned tract of Land.
I submit the same can be divided
in kind, without injury to the whole
subject and matters. It will be best to
sell the Land & divide the proceeds
and grant each share & general relief
as Equity may require. May it

please the Court &c.

Chambliss.

answer of J. R. Story to the foregoing
Bill.

This left for answer to the
Bill says he admits the allegations
of the bill, and believes as all the only
mode by which the decision can
be properly effected. And having
assumed prop. who have as much

Story & others

ms
Story.

This day this cause was
accepted and came on to be heard
on the bill. The case of the depts. publica-
tion trusts and was argued by counsel
on consideration where the best auth.
advice was used and seen that J. B. Norrell,
David Barrett, Wm. E. Myrick, L. B. L. Boyant, he and
they are much appointed cases for the purpose
(any three of whom may act) under the laws
of which miles story and served into five equal
shares & each one such share to each of the
depts. & one to the defendant. provided such partition
can be made, without injury. On this day

Story & W

to } Comr. bond ✓

Story

Know all men by these presents that we Jonathan Darden
J. P. Patton

are held and firmly bound unto the Commonwealth of Virginia in the just and full
Sum of Fifteen hundred Dollars
to the Payment whereof well and truly to be made to the said Commonwealth we bind
ourselves, our heirs, executors and administrators, jointly and severally, firmly by these
presents Sealed with our seals and dated this 19 day of December
A D 1870

The Condition of the above obligation is such that whereas by a decree
of the County Court of Southampton County rendered on the 22nd day of
November 1870 in a suit in Chancery therein pending between
James B. Story & others
and E. R. Story

Plaintiffs

the above bound Jonathan Darden was appointed Commissioner to make
Sale of certain real estate in the said decree described.

Now if the said Jonathan Darden shall faithfully discharge
the duties of his said Office or trust as Commissioner under the said decree or under
any other decree which may be rendered in the said suit then the above obligation
to be void or else to remain in full force and virtue.

Jonathan Darden

J. P. Patton

W. J. Patton

Seal

Seal

Seal

Seal

87

Story V^o

in } Com. bond ✓

Story

Know all men by these presents that we Thomas J. Pickett
are held and firmly bound unto the Common-
wealth of Virginia in the just and full sum of Fifteen hundred dollars. To the
payment whereof well and truly to be made to the said Commonwealth, we bind ourselves
our heirs executors and administrators jointly and severally firmly by these presents.
Sealed with our seals and dated this 25th day of May AD 1872.

The condition of the above obligation is such that whereas at a County Court
held for the County of Southampton on the 20th day of November 1871, by a decree
of the Court in a suit therein pending between James B. Story & others plaintiffs
against E. R. Story Deft. the above bound Thomas J. Pickett was Commissioner
for certain purposes in the said decree expressed. Now if the said Thomas
J. Pickett shall faithfully discharge the duties of his said office or trust under the
said decree according to law then the above obligation to be void or else to remain in
full force and virtue.

T. J. Pickett

(Seal)
(Seal)

Southampton Court Clerk's Office day of 187
The above bond was acknowledged by the obligors through
the Security made oath that his estate after the payment of all his just debts and
exclusive of the Homestead & other exemptions by law is worth the penalty of said
bond

Stamps & other
as
Stony.

Comm. Report.

$\frac{1}{5} \overline{) \$1248.86 -}$
 $\underline{249.77}$

1
2
3
4
5-

November 18th 1872

To The Hon Judge of the County Court of
Santhampton Voss

By virtue of a decree at your
March term instructing me as Commissioner
to collect two bonds executed by Wm. E. Beale
and Benja. C. Worrell for the purchase of the
real estate in the bill, which belonged to Miles
Story Decd., each of said bonds being for
the amount of Six Hundred eighteen dollars and
ten cents and due on the 20th of December 1871 and
the 20th of Decr. 1872 Respectively and the Principal
and interest amounting in the aggregate when
paid to me to the sum of Thirteen Hundred
forty two dollars and thirty cents (\$1342.30)
leaving in hand after deducting \$33.35 for
commissions at 2 1/2 per cent \$3.39 1/100 for clerks
fees and \$54.50 1/100 for lawyers fees and stamps a
balance of \$1248.86

Which is and has been held by
me ready for further order of Court and from
the custody of which your Commissioner
requests to be relieved as speedily as practicable

Respectfully Submitted

J. J. Pretlow Commr.

620

87

Strong & others.

as { Bill &c.
Strong.

Geo Co. 1870

Go to entrance

Strong & Hart Bridge

1870. October. Deeds for division of

Nov. Deeds for sale

1871. Feb. Deeds to collect.

Nov. 5th 5th
1872 March 5th 5th

Received by Clerk Circuit

Court Aug: 13th 1873

assign the whole to any one of the parties who
will consent to take the whole said & pay to
the others the value of their respective shares.

If not then the Court will ascertain, whether
the partition can be conveniently & if not—
whether the interests of the parties will be
best promoted by a sale of the entire
subject. and a division of the proceeds
according to the rights of the parties.

The Court will report to the Court.

Story of

to } Copy Secured

Story

Southampton ^{County} Court November Term 1870
 James B. Story, Parker D Story, Still A Bishop & wife of Jonathan
 Darden & wife }
 against } In Chancery
 E. R. Story }
 Deft

This day this cause came on again to be heard on the papers formerly read
 and the report of the Commissioners Thomas B. Worrell Wm E. Myrick and
 Benjamin Bryant made pursuant to a decree entered at the October Term 1870
 and which no exceptions have been filed and was argued by Counsel. On consid-
 eration whereof the Court doth adjudge, order and decree that the said report be
 confirmed and that Jonathan Darden who is hereby appointed a Special Commis-
 sioner for that purpose shall after having given at least twenty days notice of the
 time and place of sale by advertisement in the neighbourhood, and at the Court house
 door proceed to sell either on the premises or at Jerusalem on some Court day as he
 may deem best, at public auction to the highest bidder, the tract of land whereof
 Miles Story died seized and possessed containing by estimate two hundred & fifty
 acres, for sufficient cash to pay the costs of this suit and expenses of sale, and the balance
 of the purchase money on a credit of one and two years, taking from the purchaser
 bonds with approved security carrying six per cent interest from the day of sale,
 retaining the title and returning his bonds with his report to the Court in
 order to a further decree -

But the said Commissioner shall not proceed to act under this decree until he
 shall have executed in the Clerks Office of this Court a bond in the penalty of fifteen
 hundred dollars with good security, conditioned for a faithful performance of this and
 any other decree which may be entered in this cause -

7.30

A. C. Story

Teste

O. White ckb

Story is also

on 3 Decem

Story

This day this cause came on again to be heard on the paper formerly read and the report of the commissioners Thomas B. Howell, Wm E. Myrick and Benjamin F. Bryant made pursuant to a decree entered at the October term 1870 and to which no exceptions have been filed and ^{was} signed by counsel on consideration whereof the court doth adjudge order and decree that the said report be confirmed and that Jonathan Dardner who is hereby appointed as special commissioner for that purpose shall after having given at least twenty days notice of the time and place of sale by advertisement in the neighborhood and at the court house door presence to see return on the premises or at Jerusalem on some court day as he may deem best at public auction to the highest bidder the tract of land whereof Miles Story ~~whereof~~ ^{whereof} died seized and possessed containing by estimate two hundred and fifty acres for sufficient cash to pay the costs of this suit and expenses of sale, and the balance of the purchase money on a credit of one and two years taking from the purchase bond with approved security carrying six per cent interest from the day of sale retaining the title and returning his bond with his report to the court in order to a further decree.

But the said commissioner shall not presence to set under this decree until he

shall have executed in the clerk's office of
this court a bond in the penalty of
fifteen hundred dollars with good security
conditions for a faithful performance of
this and any other duty which may
be entred in this case

Shery is als

as B Decem

Shery

To be entered

J. W. W. junhart & Judge

Apr. Term 1890

Strong
Mr. } Secur
Strong

March 21. 1872.
To be entered
J. W. Weynhaas Judge

Story to
as

Pleff

Story

Left

It being represented to the Court
that the purchaser of the seal estate, in the
will mentioned proposed to pay his bond as security.
Therefore this cause came on for further hearing in
the papers formerly read and was argued by Counsel.
On consideration whereof the Court with order
and assent, that the Court doth authorize
to receive the amounts of the said ^{bonds} before said, if
the purchaser offers to pay - and when the purchase
money is fully paid, the Court will assent to the
~~purchaser~~ ^{from} ~~the~~ deed with special warranty for the
land sold under a former decree of this Court

Story }
as } See con.
Story &c

Feb. 21. 1871.
To be entered
J. W. M. G. L. J. G. L.



Story & others

as

Story.

This day this cause came on for
again heard on the papers formerly read
and on the report of J. C. Baran, and was
agreed by learned. On consideration thereof
the court confirming said report to which
now exception has been filed, both as to law and
fact. That Jonathan Baran, Cons. receive from the
Clerk of this court, the monies filed with his report
received by J. B. Beale, & Benj. E. Moulle for \$678⁰⁰.
each for the purchase of the land in the bill
mentioned, that he collect the same when
due and report to court.

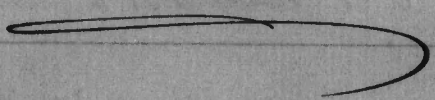
Agreeably to a Decree of the County Court of
Youthampton County dated November Term 1870
I have in obedience to said Decree advertised the
time and place of the sale of the tract of land
of which Miles Story died seized and possessed,
and on the 20th day of December 1870 sold the
same at publick auction to the highest bidder
and William E. Beale. became the purchaser thereof
for the sum of Thirteen hundred and fifteen dollars
of whom I received seventy eight dollars and eighty
cents to defray the expence of the sale of said land,
leaving a balance of \$1236.20, for which sum.
I have taken two bonds for the sum of \$618.10
each made payable to me as Commissioner signed
by said William E. Beale and Benjⁿ. E. Worrell

Commissioner's	\$35.30
Attorney's fee	25.00
Clerk's ..	7.50
Commissioner's report	4.00
Auctioneer's fee	7.00
	<u>\$78.80</u>

All of which is respectfully submitted &c

Jonathan Darden

Commissioner



Recd. May 26. 1872 of the Clerk the two books of M. E. B. & B. E.
Worrell which were returned with this Report -

E. J. Dutton

Strong as Strong & Co.

Comrs. Report.

Filed

Feb. 21. 1871.

Story of

to } Copy Done

Story

Southampton County Court. October Term 1870
 James B. Story, Parker D. Story, Arthur H. Bishop & Harriet his wife, Jonathan
 Darden & Sally his wife
 against
 E. R. Story
 Deft } In Chancery

This day this cause was docketed and came on to be heard on the bill, answer of the defendant, replication thereto and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that J. B. Morrell, Davis Barrett, Wm. E. Myrick & M. E. Bryant be and they are hereby appointed Commissioners for the purpose (any three of whom may act) divide the lands of which Miles Story died seized into five equal shares and allot one such share to each of the Plaintiffs and one to the defendant provided such partition can be made, without injury: or they may assign the whole to any one of the parties who will consent to take the whole land and pay to the others the value of their respective shares — If not then the Commissioners will ascertain whether the partition can be conveniently made, if not whether the interest of the parties will be best promoted by a sale of the entire Subject and a division of the proceeds according to the rights of the parties — The Commissioners will report to Court.

A. Co. J. J.

Teste,

O. White *cc*

Rec: May 26 1872 of the Clerk

Commissioner's Report

1870 Nov. 22^d

Agreeably to a Decree of The County Court of Southampton County, dated October term 1870, we the undersigned Commissioners therein named, have examined the tract of land of which Miles Story died seized; and are of opinion that it cannot be divided into five shares of equal value without injury to some of the parties;— we value the tract of land at twelve hundred and fifty dollars.— as one of the interested parties is not an inhabitant of this County, we have not ascertained whether they can effect the division satisfactorily among themselves by one of the parties having the whole tract of land assigned to him by the Commissioners and he paying over to the other parties the value of their respective shares, or not. ~~In case they cannot do so~~ ~~on the~~ ~~trust~~ we believe it would be to the best interest of the parties, to sell the whole tract of land, and divide the proceeds according to their respective rights.— Respectfully submitted to the Court.— Given under our hands this 18th day of November 1870.

1
Jho. B. Norvell
Wm E. Myrick
Bryant I Bryant

Strong & others

As. } De. esu.

Strong.

Nov. Ct. 1871.

To be certified
J. W. M. Gunhart Judge

Story vs. Story &c.

Jonathan Dorem, having reported.
this case since the last hearing of this cause -
This cause came on to be again heard on
the papers heretofore and was argued & counsel -
On consideration thereof the Court doth
appoint Thomas J. Pellon, Com. in the place
of Jonathan Dorem - and doth order and
decree, that he withdraw from the papers in
this cause, that ^{two} bonds filed by Com. Dorem.
executed, by Wm. Beale & Beq. E. Morrell. for
the purchase of the real estate in the bill &
processes mentioned - each for the sum of
\$618.19. one due Dec. 20th 1871 - and the other
due Dec. 20th 1872. Collect the same when
due and report to Court.

But this decree shall be suspended, until the
s. J. Pellon, enters into bond & security, in the penalty
of \$1500. in the Clerk's office of this Court, and
before the Clerk. Conditioned according to Law.

Levin. Prædicator

Report

1873 June 18th

To The Hon Judge of the County Court
of Southampton Town

In obedience to a decree
entered at your January term 1873 I beg leave
to say I have paid to each of the parties therein
named the respective amounts assigned them
out of the money arising from the sale of Miles
Story's Land, collected by me, and also the
interest on the same for two months from the
date of the confirmation of my report, as cir-
cumstances beyond the control of myself and
the other parties prevented an earlier payment,
all of which will appear by the receipts herein
embraced -

#252.27

March Received the 19th 1873 of T. J. Pretlow Court.
Two Hundred fifty two and 27/100 Dollars
Dexter D. Story

#252.27

Received March 19th 1873 of T. J. Pretlow Court.
Two Hundred fifty two and 27/100 Dollars
Sallie M. Garden

#252.27

Received March 19th 1873 of T. J. Pretlow Court.
Two Hundred fifty two and 27/100 Dollars
John H Bishop

#252.27

Received April 21st 1873 of T. J. Pretlow Court.
Two Hundred fifty two and 27/100 Dollars
James B. Story

#252.27 - Received May 6th 1873 of T. J. Pretlow Court.
Two Hundred fifty two and 27/100 Dollars.

E. R. Story

The sums paid to the several parties
named in the decree amounting in the
aggregate to Twelve (\$1261.33) Hundred
Sixty one Dollars and thirty five cents
Respectfully Submitted
E. J. Pretlow Comr.

Strong Lothar
as } Secy.
Strong }

July 24. 1873.
J. W. Menhast
Judge

Story no Story.

This day this cause came on
the hands on the paper formerly read.
and on the report of Leonard J. Speller, of
the court, in his hands arising from
Sale of Miles Story Land. and was agreed
by Circuit. on consideration thereof
the court. confirming said report. to
which no objection has been filed.
both adjudge order and decree, that
Thomas J. Patton be sent out of the
money in his hands, arising from
the Sale of Story Land - pay to James
B. Story, Parker D. Story, Seth P. Bishop
and Harriet his wife, Sally Seaman each.
E. A. R. Story, each the sum of \$249.27.
their respective portions of said money.
as being of Land of Miles Story -
after such payment report to
court.

The court will make to the purchaser
of the said estate, a deed with
the said warranty.

91.72
96.00

December 20th 1870. Recd. of Jonathan Dorden Court
to sell the land belonging to the estate of

Wiles Story dead, seven Dollars for auctioneer
ing the said land

J. Carson

Commissioners
Rec'd
\$4.00

1871 Jan'y 16. th Rec. of Jonathan Sargent Commr. to sell
the land of Miles Story dec. The sum of one dollar each,
for our services as Commrs in ascertaining whether, or
not, the said land could be divided into five
equal shares.

Thos. B. Worrell.

B. J. Bryant
Davis Barnett
Wm. E. Myrick

Recd. Jan 16 1871 \$7.50 bills for in suit for sale of Alder Stroy
land SR Edwards for
O White clk

Nov. 11. 1870. Recd. of Jonathan Deane
Money from note on. for for suit to
arise under Stroy. & ord. in Southern
-pton Co. Court. M Chamberliff

Thompson & Co.
(Hs.) } order.
Thompson }

Nov. count. 1873.

To be entered

Geo. B. Bland.

1873. Nov. Dismissed

Story Lohan

as

Story.

nothing further appearing to be
done in this case, it is ordered to
be removed from the docket.

Vicks by me
as { Bill
in limit
Vicks

1873 July Rules
" Aug. Dismissed

To the Honorable George B. Low judge of the
Circuit Court of Southampton County in
chancery sitting

Humbly complaining your oration
Lucy B. Vick who was by Leonard C. Cobb
her next friend shunts unto your Honor
that on the 21st day of Octr 1848 she
was married to James B. Vick all of
Southampton as will more fully appear
by a certified copy of her marriage
certificate herewith filed marked A and prayed
to be taken as a part of this bill

Your Oration shunts unto your Honor
that when she entered into this solemn
and high contract which was intended to
endure unto death should sever the
hinder and holy tie she was fully impressed
with its solemn obligations and fully
intended to discharge all the duties of
a true and loving wife and has up
to this time done so as far as lay in her
power, and it is with great pains and
sorrow that she finds herself compelled
to invoke the aid of this court to
shield and protect her from the violence
and cruelty of her husband

Your Oration states and charges that
the conduct and habits of her husband
James B. Vick ^{are such} that she cannot live
with him any longer but is compelled
to ask this court to grant her a
divorce from ^{the} bed and board of her husband

she states that his habitual state when
he can procure brandy or whiskey
is that of intoxication that when in
that state he is cruel to her and
being drunk so often she is in
continual fear of great bodily harm
and has every reason to fear personal
violence and injury

In ~~such~~ considerations whereof
and inasmuch as your oration is
without relief at law and only entitled
to relief in a court of equity where
such matters are peculiarly cognizable
she therefore prays that her husband James
B Vick may be made a party defendant
to this bill and that the court would
compel him as full and perfect answer
make to the allegations therein contained
as if he had been thereto more fully
and specially interrogated and that the
court would decree to your Oration a
divorce from the bed and board of her
husband James B Vick securing to her
all her rights of property and also
prohibiting him from molesting or
injuring her person or property in any way
and that the court would grant such other
and general relief the premises considered as
equity may dictate and the nature of
her case may require and as in duty
bound your oration will ever pray &c

Shaw's p. 9.

159

Picks by me

as { Bill
" { " cultivator

Pick

1870. September Rules

To The Honorable George Blair judge
of the circuit court of Southampton
County in chancery sitting

Humbly complaining your Oration
Lucy M Vick who was by H. C. Korman
her next friend sheweth unto your Honor
that on the 21st day of October 1848 she
was married to James B Vick all of
Southampton as will more fully appear
by a certified copy of her marriage certificate
herewith filed marked A and prayed to be
Taken as a part of this bill

Your Oration sheweth and states unto
your Honor that when she entered into
this high and solemn contract which
was intended to endure until death
should break it she was fully impressed
with its holy obligations and fully
intended to discharge all the duties of
a true and loving wife, and has as far as
lay in her power done so up to the
time of her separation from her husband
and it is with great pain and sorrow
that she finds herself compelled to invoke
the aid of this court to shield and protect
from her husband

Your Oration states and charges that
the conduct and habits of her husband
James B Vick are such that she
cannot live with him any longer
but is compelled to ask the court to grant
her a divorce from the bed and board