

1874-42

Santhampton County - Chancery

Stephenson, Sarah Jane vs Stephenson Martha K.

"Partition Suit"
Copy 7 map inside

Sarah J. Stephenson
Pitt J. Borrett

Martha K. Stephenson
incapacitated by
her guardian
Eugene C. Borrett

146

Stephenson

v } Papers

Stephenson

Stephenson re

as } Bill
" answer

Stephenson

1874 Feb. Bill & filed &
decease -

To the Honorable George Blow judge of
the circuit Court of Southampton County
in chancery sitting

Humbly complaining your Oration
Sarah H. Stephenson and Pitt S. Barnt
show unto your Honor that they with
Martha K. Stephenson who is a lunatic
and now at the asylum at Williamsburg
and whose curator is her nephew Dr
Eugene C. Barnt own a tract of land
lying in Southampton county known as
the Stephenson place containing four
hundred and fifty seven acres more or
less in fee simple and as tenants in
common This shows being one third
each They state that they desire
a partition of the same which cannot
be done by consent or by their own
action as one of the tenants in
common is of unsound mind and
it becomes necessary to invoke the aid
of a court of chancery for that purpose

In Tender consideration whosoever and
inasmuch as your orators are without relief
at law and only entitled to relief in a
court of chancery when such matters
are peculiarly cognizable they therefore

pray that Martha K Stephenson a lunatic
by some fit and proper person her guardian
ad litem appointed for that purpose may
be made a party defendant to this bill
and that the court would compel her as
full and perfect answer make to the
allegations therein contained as if she
had been therein more fully interrogated
and that the court would by its decree
direct a partition to be made of the
said tract of four hundred and fifty
acres of land according to the
rights of the parties and that the court
could grant such other and general
relief the justice conscience as equity
may dictate and the nature of their
case may require and as in duty bound
your Obedient will ever pray me

Shamus J. G.

The answer of Martha K Stephenson a
lunatic by Eugene L Bant her guardian
ad litem and curator to a bill in
chancery in the Circuit Court of
Southampton by Sarah K Stephenson and
J Bant vs her

This defendant for answer to the said bill
or as much thereof as he is advised it is
material for him to answer answering
says that he submits the interests of
his ward to the care of this court whose
peculiar duty it is to protect the rights
of infants and persons of unsound
mind and having fully answered prays
himself to be dismissed with his costs etc
Shamus J. G.

Fridays Mill Pond

127 Acres

Widows Dicks 4
457 Acres Co. 2

Thomas Barrett
24 ⁷ Acres

Sarah Stephenson
98 Acres

Ch. 1

Eugene S Barrett
39 1/4 acres

regⁿ at
of white oak on path

~~$$\begin{array}{r} 2109 \\ 1754 \\ \hline 6635 \\ 6405 \\ \hline 2230 \\ 1400 \\ \hline 730 \end{array}$$~~

The original plat, was removed from these papers, and recorded in Plat Book #20 at page #35, on the 4th day of April, 1995.

Thompson

3 Dec

Thompson

To be entered.

Geo. J. W.

Stephenson vs

3 Dec

Stephenson

This day this cause came on again to be heard on the papers formerly read and the report of S. B. Bishop, Parker D. Story, Geo. W. Thomas and Mr. E. Beale commissioners appointed by a decree of this court rendered at the February term 1874 to divide the ^{tract of} land ~~which~~ known as the Stephenson place and to which report no exceptions have been filed and was argued by counsel. On consideration whereof the court doth adjudge order and decree that the said report be confirmed and it appearing to the court that there is nothing further to be done in this cause it is ordered that the same be removed from the docket.

Thompson

as 3 Dec

Thompson

Feb. Term 1874

To be entered

Geo. B. 1874.

1874 Feb - Bill filed &
decreed

Stephenson vs
vs 3 Decr
Stephenson

By consent of parties this
day this cause came on to be heard on
the plaintiffs bill the answer of
Martha K Stephenson by E. C. Barnett her
guardian ad litem and general
application Thursto and was argued by
counsel for consideration whereof the
court doth adjudge order and decree
that Seth B Bishop, Parker D Story,
John W Thomas and Wm E Beale who are
hereby appointed special commissioners
for that purpose and any three of whom
may act shall after reasonable notice
to the parties interested or their curators
proceed to divide the tract of land
containing four hundred and fifty seven
acres of land lying in Southampton and
known as the Stephenson place and
now held by Sarah B Stephenson, Martha
K Stephenson and Pitt T Barnett as
tenants in common into three equal
shares or parts having regard as to value
and quality as quantity and allot
one share to Sarah B Stephenson one
share to Martha K Stephenson and one

shall the Pitt I Barrell employing if
necessary for that purpose a competent
surveyor

As if partition cannot conveniently
be made the commissioners will report
whether the interest of the parties will be
promoted by a sale of the entire tract of
land or an allotment of part and sale
of the residue together with any other
matters deemed pertinent by themselves or
which may be required to be so stated by
any of the parties interested

Stephenson
v } Copy decree
Stephenson

1874 May 18th

Sussex County Court, February Term 1874.

Sarah H. Stephenson and Pitt J. Barrett Plffs:

against

Martha K. Stephenson a Survivor by
Eugene C. Barrett her Guardian ad litem and
Curator to a bill in Chancery &c.

In Chancery

By Consent of parties this day this Cause came in to be heard on the Plaintiffs bill, the answer of Martha K. Stephenson by E. C. Barrett her Guardian ad litem, and general replication thereto, and was argued by Counsel; On Consideration whereof the Court doth adjudge, Order and decree, that John H. Bishop, Parker D. Strong, John W. Thomas and William E. Beale, who are hereby appointed Special Commissioners for that purpose, and any three of whom may act, shall after reasonable notice to the parties interested, or their Curators, proceed to divide the tract of Land containing Four hundred and fifty Seven acres of Land lying in Sussex County and known as the Stephenson place, and now held by Sarah H. Stephenson, Martha K. Stephenson and Pitt J. Barrett as Tenants in Common, into three equal Shares or parts, having regard as well to Value ^{as} quality and quantity and allot one Share to Sarah H. Stephenson, one Share to Martha K. Stephenson and one Share to Pitt J. Barrett, employing if necessary for that purpose, a

Competent Surveyor, or if partition cannot conveniently
be made, the Commissioners will report whether the
interest of the parties will be promoted by a sale
of the entire Tract of Land or an allotment of
part and sale of the residue together with any other
matters deemed pertinent by themselves or which
may be required to be so stated, by any of the
parties interested.

Attest
Jesse James R. Tyler, J.C.

Attest for
return of do.

We Seth A. Bishop Parker & Henry John M. Thomas and William C.
Beale the Commissioners appointed by a decree rendered in the Circuit
Court of the County of Southampton at the February Term 1874 of said
Court in the cause therein depending between Sarah M. Stephenson
and Pitt C. Barrell plaintiffs and Martha M. Stephenson a lunatic by
Eugene C. Barrell her guardian ad litem and Quator to a bill in Chancery
Defendant respectfully report that on the 14th day of March 1874 we
caused lines to be run by Henry B. Kender a Competent Surveyor divi-
ding the tract of land in the said decree mentioned as containing four
hundred and fifty seven acres of land lying in Southampton County and
known as the Stephenson place and now held by Sarah M. Stephenson
Martha M. Stephenson and Pitt C. Barrell as tenants in common into

Three shares or parts. as will appear by the plat herewith returned as a
part of our Report. and that part or share st.^o 1 containing ninety acres
was drawn by the plaintiff Sarah H. Stephenson, st.^o 2 containing
one hundred and twenty seven acres by the Defendant Charlotte H. Stephenson
and st.^o 3 containing two hundred and forty acres by the plaintiff.
Chas. G. Barrett.

J. H. Bishop
Porter (D. Story)
Jas. W. Thomas
W. E. Hall

Examined