

1878 - 22

Southampton County Chancery -

Mason, Lewis E. et al vs Mason, Robert B.

Partition of land

Heath - Elizabeth
Coul - Fannie A.
Anderson - Archer
" - Mary Ann
Mason, Sarah O.
Parksdale, Robert J.
" , Emily
Mason, Susan H. B.
" , St. George T.
" , Simms, F. B.

all
inf
depts
} Mason, Mary
" Harriet
" Lewis
" Fannie
Edwards, W. R.
GAL

28

Marion

or 3 Bill

Marion by me

1870 Oct. Decees for sale & P

1871 Sep. Decees &

Received by Clerk Circuit
Court Aug: 13th 1873

1878 May. Removed from the
Docket.

To the Honorable Joseph W. Vaughan judge of the
County Court of Southampton in chancery sitting

Humbly complaining your orators Lewis & Mason
 Elizabeth & Heath, Fannie A. ^{Cook} ~~Mason~~, Archib
 Anderson and Mary Ann his wife, Sarah C. Mason
 Robert I. Barksdale and Emily ~~Mason~~ his wife
 Susan G. B. Mason, St. George I. Mason, and Simon
 F. B. Mason shew unto your Honor that in the
 year 1870 Mrs Mary Ann Mason departs this life
 intestate leaving considerable estate real and personal
 and that Simon F. B. Mason qualified as her administrator
 in the county court of Southampton, Your orators shew
 further that she left as her distributees and heirs
 at law the following children and grandchildren
 Lewis C. Mason, a child, Elizabeth & Heath a
 child, Fannie A. ^{Cook} ~~Mason~~ a child, Mary Ann
 Anderson a child, Sarah C. Mason a child,
 Emily Barksdale a child, Susan G. B. Mason a
 child, St. George I. Mason a child, Simon F. B.
 Mason, a child and Robert B. May, Francis
 Lewis and Francis Mason five infant children
 of John Y. Mason J^r a child

York voters state further that their
mother and intestate Mary Ann Mason left some
debt to be paid and they do not think the personal
estate will be sufficient for that purpose and of
course her landed estate of which she left
88 $\frac{1}{2}$ acres more or less lying in Southampton
county will have to make up the deficiency and
in order to advise a tedious and costly creditors
bill they think it will be best to sell the
said land first for division and pay the same

of the debts which the personally failed to do and
then distribute among the heirs according to their
rights. Your Orators shew that she left about
886 acres of land of which they now desire
partition but if partition cannot be made in
kind ^{as the same will be up then \$3000000} then that it may be sold for that purpose
the outstanding debts are paid and then
the residue of the purchase money divided
according to the rights of the parties.

On tender consideration whereof and inasmuch
as your orators are without relief at Law and only
entitled to relief in a court of equity where such
matters are peculiarly cognizable They therefore
pray that Robert B. Mason, Mary Mason, Harriet
Mason, Lewis Mason and Fannie Mason five
infants by some fit and proper person their guardian
ad litem may be made parties defendant to this
bill that the court would compel them as free and
perfect answer make to the allegations therein contained
as if they had been thence more fully and specially
interrogated that the court would if a partition be
impracticable and your orators are satisfied it is
and that all intents would be promoted by a sale
direct a sale of the said 886 acres of land on
such terms as to it may seem best and direct
so much of the purchase money as may be
necessary to be applied to the payment of their
respective outstanding debts and then the
division of the residue of the purchase money
according to the rights of the parties, and that the
court would grant such other and general relief the
petitioners considered ^{as} the nature of this case
may require and as in duty bound your orators
will ever pray we

Shanes p.c.

Richmond, Oct 13th 1870.

Hereby appoint Wm B.
Shands my true and lawful
attorney for me and in my
name to execute a bond in
the penalty of three thousand
(3000) dollars as Security
for Simon F.B. Mason in a bond
to be executed by said Mason
to Sellas Commissioner
the land of Mary Ann Mason,
Dec^d, hereby ratifying and
confirming all acts of the said
Wm B. Shands legally done in
the execution of the power of attorney
as fully as if they were done
by myself. Witness my hand
and seal this 12th October, 1870.

Richard Anderson, (Seal)

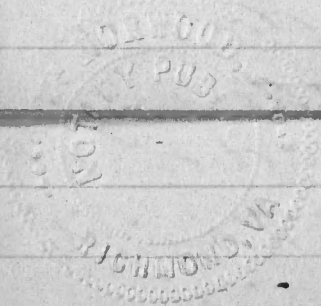


State of Virginia
City of Richmond I am.

I, Wm Norwood, a Notary Public for the
City aforesaid in the State of Va do certify
that Archer Anderson, whose name is
signed to the foregoing writing, bearing date
Oct. 13th 1870, has acknowledged the same
before me in the City aforesaid; and
I also certify that said Archer Anderson
has made oath before me that he is
worth \$5000. after payment of his debts
and alone and beyond the homestead
exemption.

Given under my hand and seal this
13th Oct. 1870

Wm Norwood
Notary Public.



Know all men by these Presents, That we, *Simon F. B. Mason &*

Archer Anderson

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of ~~three~~ *three* ~~thousand~~ *thousand* dollars good and lawful money of Virginia, to the payment whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators jointly and severally firmly by these presents. Sealed with our seals and dated this ~~17~~ *17* day of ~~October~~ *October* A. D. 187 .

THE CONDITION OF THE ABOVE OBLIGATION is such, that if the above bound *Simon F B Mason* who is appointed Commissioner for certain purposes by a decree of the County Court of Southampton County entered the 17 day of October 1870 in a chancery suit therein pending between Lewis E. Mason & others plaintiffs & Robert B. Mason, Mary Mason & others Defendants.

under said decree and under any other decree which may be rendered in the said cause,

shall faithfully discharge the duties of his said office or trust according to law, then the above obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and delivered }
in presence of ~~the Court~~ }

Simon F. B. Mason [SEAL.]

Archer Anderson by [SEAL.]

Wm B. Shanks [SEAL.]

attorney [SEAL.]

[SEAL.]

Masons

or 3

Masons by me

Answer of infant
dependent by good
letter

The answer of Robert B Mason, Mary Mason, Haimet
Mason, Lewis Mason, and Fannie Mason five infants
by L. R. Edwards Their guardian ad litem to
a bill in chancery in the county court ^{of Washington} by
Lewis C Mason vs Thum

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 knows nothing of the facts of the
plaintiffs bill but submits the interests of his
ward to the care of this court whose
judicial duty it is to protect the rights of
infants and having fully answered pray leave
to be dismissed with their costs be

Shamus for def

Rec'd by consent

Shamus for plaintiffs

Masons

vs 3 Decem

Mason by me

This day this cause came on again to be heard on the papers formerly made and it being suggested to the court that the tract of land wherof Mary Ann Mason dies seized and proposed containing some four hundred and odd acres and not eight hundred and eighty six as at first stated has been offered twice at public auction in the order directed by the decree of the October term 1870 of this court and has been withdrawn for want of bidders and that Simon F. B. Mason can sell the same privately on better terms and for more money than he can at public auction Therefore the court doth adjudge, order, and decree that the said Simon F. B. Mason sell the same privately provided he does not sell the same for less than three dollars and fifty cents an acre for one third cash the balance in two equal annual instalments of one and two years taking from the purchase bond with approved security carrying six per cent interest from the day of sale and retaining the title until all the purchase ^{money} shall be paid and return the bond with his report and by consent of Simon F. B. Mason the court doth further adjudge, order, and decree that he settle an account of his transactions as

administrator of Mary Anne Mason before
one of the commissioners of this court who
is also further ordered to take an account
of the debts now outstanding against
the estate of the said Mary Anne Mason
who will report the said accounts to the
court together with any matter specially
stated deemed pertinent by himself or which
may be so required to be so stated by any
of the parties interested.

Masons

or 3 Decem

Masons &c

It is entered

Wm. Mendenhall Judge

Sept. Term 1891

Masons

23 Dec

Masons by the

Go to entered

I will be at Judge
 Oct. 17 1970

Oct. 17th 1770

Masons

vs 3 Deane

Masons by vs

By consent of parties This day
this cause came on to be heard on the plaintiffs
bill answer of the infant defendants by their
guardian ad litem general replication thereto
and was argued by counsel On consideration
whereof the court doth adjudge, order and decree
that Simon F. B. Mason who is hereby appointed
a 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 such newspapers
in the city of Petersburg as he may choose
procure to sell at public auction to the highest
bidder the tract of land whereof Mary Anne
Mason died seized and possessed containing by
estimate 88½ acres lying in Southampton on
the following terms to wit, One third cash
balance of the purchase money on a credit
of one and two years equal bond with
good and sufficient security carrying interest
at the rate of six per cent from the day
of sale, and retaining the title to the said land
until all the purchase ^{money} shall have been
paid then to make the purchaser a title
And the said Simon F. B. Mason is further
directed first to pay the costs of this suit
and expenses of the sale including a fee
of thirty dollars to Wm B. Shance the attorney
in this case, secondly to pay all the debts
outstanding against the estate of the said

Mary Anne Mason, which the administrator
falls to pay out of his personal ^{estate}, returning
his receipts with his report to this court and
thindly after paying all debts divides the
residue of the purchase ^{money} if any into ten equal
shares, and pay one tenth to Lewis E. Mason
one tenth to Elizabeth H. Beatty, one tenth
to Fannie A. Cook, one tenth to Archib
Anderson and Mary Anne his wife, one tenth
to Sarah C. Mason, one tenth to Robert I
Barksdale and Emily his wife, one tenth to
Susan H. B. Mason, one tenth to St George T
Mason, one tenth to Simon F. B. Mason, one
fifth of one tenth to Robert B. Mason, one fifth
of one tenth to Mary Mason, one fifth of
one tenth to Harriet Mason, one fifth of one
tenth to Lewis Mason and one fifth of one
tenth to Francis Mason and report his
proceedings to court in order to a further decree

But the said Simon F. B. Mason shall
not proceed to act under this decree until he
or some one for him shall have executed in
the clerk's office of this court a bond in the
penalty of ~~four~~ ^{one} thousand ^{dollars} with good and
sufficient security for the faithful execution
of this decree and any other which may be
incurred in this cause