

1891-022

Southampton County

Chancery Papers: English VS Coker + lx + al

3/1891

English
as
Coker &c

Bill
Annuity
& Deem

1867. Apr. Deem as filed 1st

1871. Feby. Report.

June " Confm^d.

To The Worshipful Justices of the County Court
of Southampton County in Chancery sitting

Humly
Complaining sheweth unto your worship, Your
Orator Natl Y English. That your said
father Frank English was in his life time seized
and possessed of certain real estate lying in South-
ampton County bounded by the lands of Bennett S
Briggs and the land of ASB Merson and being so
thoroughly seized and possessed, departed this life, some
time in the year 1861, having his
widow Phoebe English and three children, Wm
S English, ^{who afterwards intermarried with John A Coker} Mendenhall English, and Ann English,
and your Orator his only son, leave, Your
Orator further states that several years since, it was
agreed by all parties interested, all being of age, the
widow surrendering her dower, to divide said
real estate in four equal parts and to assign
to each of the children one ^{of four} part, accordingly
Bennett S Briggs, Newell Branch and John D Barnett
were selected by the parties to effect said agree-
ment, which they did by rules and bounds, fail-
ing however at that time to make the appraisement
of the value of each share, and thus leaving
the shares, reserving that duty for some subsequent
time, each of the heirs took possession of the
share allotted them by the said Briggs, Barnett and
Branch and have remained in possession up to
this time, awaiting the appraisement at some other
time. Your Orator states further that since
the allotment and before appraisement, two of
the heirs Mendenhall English and W S English
departed this life, Mendenhall English
leaving a widow Virginia English and two

children May and Walter English infants his only
kins at law, - Your Oration now desires the aid
of this Court in ^{allocating} ~~apportioning~~ the value of the foregoing
respective shares and in equalising the same for
your Oration desires that the shares as marked off
by notes and bonds not to be interpreted with, -

To the end that the said in tender consid-
eration of the premises and forasmuch as your Oration
is without remedy save in a Court of Equity
where such matters are peculiarly cognizable and
redressable, to the end that the said parties may be
done your Oration prays that John S Coker and
Ann his wife forming English, ^{widow of M M English} English,
May & Walter English the last two infants, may
be made parties defendants to this bill and
be required to answer the allegations ^{of the bill} that
some suitable person may be appointed ^{as arbitrator} ~~the~~ ^{for}
defendants to protect their interests in this suit.
That the Court will appoint Commissioners whose
duty it shall be to ^{allocate} ~~apportion~~ the value of the shares
allotted to each of the heirs in their life times, and to equal-
ize the same, that the same persons may be appointed Com-
missioners that made the allotment in the lifetime
of the parties, with instructions to enquire the same
and simply to apportion the shares of each and equalize
the same, and grant such other and general relief
as equity may dictate or as a Court of the case
may require, and as in duty bound your
Oration will ever pray &c

Prattlow J. Es

The answer of May and Walter English infants under
the age of twenty years of L R Edwards their guardian ad litem
to the foregoing bill. There responding by L R Edwards

their guardian ad litem, for their answer to several of said
bills as they are advised it is material for them to answer
saying any that they believe to be true, in the plain-
tiff's bill to be true, but being infants under twenty
years of age, they may have to submit their interests
to the suit in the protection of the Court, and loving answer
may seem to be duty &c

L R Edwards

John ad litem

English
as
Coker &c } Deem

This & This cause came on this day
to be heard on the bill of the plaintiff, taken for con-
fessed as to the adverse defendants, answer of the infants
defendants of L R Edwards their guardian ad litem, with
general replication thereto, and was argued by Counsel.
On consideration whereof the Court doth adjudge order
and decree that Geo D Barnett, Newitt Brunt, Bennett S
Briggs, Edwin Scarborough and Miles Scarborough who
are hereby appointed Commissioners for the purpose,
any three of whom may act, having been first duly sworn,
do proceed to lay off and divide the real estate of which
Frank English died seized and possessed, consisting of a
tract of land lying in the County of Southampton,
containing about four hundred and ten acres
adjoining the lands of Bennett S Briggs and A B Murgatroyd,
into four equal parts, having regard to equality and equity
and assign one of four said parts to each of the children
or heirs of the said Frank English died, namely: To
Mat J English one fourth part, to Geo W Coker and
Ann his wife, one fourth part, to M M English,
his one fourth part, to Joseph Gardner Esquire
of Wm S English one fourth part. But it is said Com

commissions are directed to recognize the division and allotment made by the heirs through them in the distribution of all the parties, and to equalize the shares of each to apportion the shares of each and equalizing the same by money payments if necessary, taking the value of the respective shares at the time it was divided in the lifetime of the parties, as the basis upon which to equalize the same, and the said Commissioners are directed to report their proceedings under this decree to court

and that the said Commissioners ascertain and report to court the present value of the dower right of ~~the~~ Phoebe English widow of Frank English decd.

English
vs $\frac{3}{4}$ Decree.
Coker vs

This day this cause came on to be again heard on the papers formerly read, and the report of John B. Barrett, Calvin H. Scarborough & Meritt Branch, Commissioners reporting allotment of shares $\frac{12}{100}$, to which no exceptions have been filed, and was argued by Counsel. On consideration whereof, the Court confirming said report, doth adjudge order and decree that Nat: Y. English pay to John S. Coker the sum of Fifty-three $\frac{12}{100}$ dollars, with interest from Jan'y 1. 1869. that Murdock M. English pay to Jno: S. Coker the sum of \$53. $\frac{12}{100}$ with interest from Jan'y 1. 1869. and that Wm English pay to Jno S. Coker the sum of \$10. $\frac{62}{100}$ with interest from Jan'y 1. 1869.

Grace K English
Estate -
Report of
Commissioners
to
divide lands
"

1871 Feby 6th

320
8

1868
We the Commissioners appointed at
Term. Southampton Court. to appraise and
allot to the Legates of Frank English. beg leave
to make the following Report. after the land being
surveyed. we valued the whole number of acres
which were three hundred and forty, ~~valued~~ at
\$1147.⁵⁰/₁₀₀ - we allotted to Nathaniel G. English
Eighty five acres valued at \$4- pr acre. amount-
ing to \$340. to Murdock M. English Eighty
five acres at \$4- pr acre amounting to \$340.
to William English Eighty five acres at \$3.50
amounting to \$297.⁵⁰/₁₀₀ to Sarah Coker, wife
of Geo. S. Coker. Eighty five acres at \$2- pr acre
amounting to \$170. we further report that
Nathaniel G. English is to pay Sarah Coker wife
of Geo. S. Coker \$53.^{12 1/2}/₁₀₀. Murdock M. English
pay to Sarah Coker the wife of the said Geo. S.
Coker \$53.^{12 1/2}/₁₀₀. William English pay to Sarah
Coker the wife of the said Coker \$10.^{62 1/2}/₁₀₀. Their re-
spective shares are \$286.^{87 1/2}/₁₀₀ each. we allot to
Phoebe English the mother of the said parties \$163.⁹²/₁₀₀
in fee simple. it being one seventh part of value
of said Landed Estate, all of which is respectfully
Submitted,

John B Barnett
Calvin H Seal
Newit Branch
Commissioners

Southampton County to wit-

This day personally appeared before me, C. H. Cartwright, Jrs B. Barrett and Merritt Branch Commissioners to the within decree, and made oath that it is a just distribution and allotment to the best of their knowledge and belief. Given under my hand this 18th day of January 1871.

J. C. Kono, J.P.

+

\$53 ⁰⁰/₁₀₀

I know all men by these presents that for and in consideration of the sum of fifty three dollars cash in hand paid us and the receipt of which we hereby acknowledged we John S. Coker and Sarah A. Coker (husband & wife) here by release the heirs of the late M. M. English from any and all ~~and~~ further claim either for principal or interest on account of the sum awarded to Sarah A. Coker by the commissioners who divided the estate of the late Francis G. English and which sum was a charge on that portion of the said Estate given by the Commissioners to the said M. M. English. We received this money from the hands of Virginia M. Wellons and Mary L. Williams. Witness our hands & seals this 24th day of February ~~or~~ 1891.

Witness

J. M. Coker

John S. Coker [Seal]
Sarah ^{his} Coker [Seal]
made

County of Southampton }
State of Virginia } s. s.

I, Edward Rogers, a Notary Public
for the County of Southampton in
the State of Virginia do hereby
certify that John S. Baker & Sarah
A. Baker ~~are~~ (husband & wife)
whose names are signed to the
foregoing deed ~~has been acknowledged~~
~~the same before me~~ bearing date
February 24th 1891 have acknow-
ledged the same before me in
my County aforesaid. Witness
my hand this 24th day of
February 1891

Edward Rogers,
Notary Public

Southampton County - In the Clerk's Office Feb. 10 - 1891
The foregoing Release Deed from J. S. Baker & wife to M. M.
English was this day received and with certificate annexed
admitted to record. } Supt. B. F. McLenore C. C.

Baker wife
J. S. English
Released to
English

1891. Feb. 10. Rec'd
C.R.

Examined

To be filed in each
of English & English
& make judgment
filed.

Recorded in R. B. 1

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Supt. B. F. McLenore C. C.