

1893. 40

Southampton County Chancery. Newsom, Trojias vs Babb, Nathaniel et al

* plat inside

partition of land

Babb, Virginia
Miles, Thomas J.

Newsom ~~104~~

vs $\frac{7}{3}$ Bill & Exhibits
Meles & others ~~84~~

81

To the honorable George Blow judge of the
Circuit Court of Southampton County
In Chancery sitting

Humbly complaining your orator
Trojias Newsom shows unto your
honor that sometime in the year 1857
Drewry Haller having first duly made
his last will and testament departed
this life seized and possessed of consid-
erable property both real and personal
and that the said will was duly
admitted to record. That among other
devises by a clause in his will
he made the following devise. He
loaned to his daughter Elizabeth,
(who had married Newsom;)
Newsom, for life a certain tract
of land lying and being in this
county and adjacent to the lands
of R. S. Pope, Lewis Marks, and others
and containing some five hundred
(527) and twenty seven acres more
or less. and at her death the
same was to go to her children
all of which will more fully
appear from a certified copy
of the said will herewith filed

marked exhibit No **I** and
prayed to be read as a part
of this bill. That Newsom
died and his wife Elizabeth
then married Miles and
that now both she and her
said last husband are now
dead. That she left the following
surviving children at the time of
her death. Trojias Newsom; Virginia
Newsom who married Nathaniel
Babb and is now Virginia Babb;
and Thomas J. Miles. and they
are the parties entitled to the afore-
said property. That they are all
of age. but they have not been ^{able} to
agree about a division of the said
land. that it is being neglected
and little cared for. the lands
growing up ~~re~~ and is every day
depreciating in value. Now your
orator wishes that the same be
divided or if that cannot be
done. then that the same may be
sold and the proceeds divided
among the parties entitled thereto
In tender consideration whereof and
inasmuch as your orator is

without relief save in a court of equity whose matters of this and of a like nature are specially cognizable he prays that Thomas J. Miles Virginia Bobb and Nathaniel Bobb her husband may be made parties defendant to this bill and compelled to answer (but all answers under oath are waived), all the allegations herein contained as if they were more specially interrogated thereto. That the court would appoint commissioners to inquire and report whether the land can be divided in any of the modes prescribed by law or if the same would have to be sold and the proceeds divided among the parties entitled thereto and that the court would direct that all necessary accounts may be taken &c your orator hereby gives notice unto all the parties interested that he shall ask the court to allow his attorneys Messrs H. B. Shands & Son a reasonable fee in this case. as in duty bound your orator will ever pray may it so please the court &c

H. B. Shands & Son p. 8.

Report of the
Commissioners studying
the Land

Persuant to a Decree of the Circuit Court of
Southampton County - issued June 14th 1887 -
We the undersigned Commissioners, appointed by
said Decree - beg to report as follows: viz:
we have examined the lands of which Elizabeth
Newson died seized & possessed and with the assistance
of A. B. Kendrick, Surveyor - have surveyed and divided
the said lands as follows - each ones portion being
decided by drawing for same:

To Trojias Newson we give Lot No 1 - adjoining
L. Marks - containing one hundred and twenty
(120) acres; To J. W. Harrison we give a portion
of Lot No 2 - designated as subdivision as Lot A - containing
Forty (40) Acres - the same being that on
which the House is situated; To N. T. Harrison we
give that portion of Lot No. 2 designated as Lot B -
containing Fifty (50) acres -
to Thos. J. Miles - we give Lot No 3 - containing
one hundred and eighteen (118) acres -
to Virginia Babb we give Lot No 4 - containing
one hundred and twenty two (122) acres -
The above divisions are made as nearly equal in
value - as in our judgement, can be affected - For
further particulars as to metes & bounds - see Surveyors
Report filed herewith -

Respectfully submitted - this 5th
day of Nov - 1887 - }
R. F. Barkham.
J. C. Williams
Silas ^{his} Trinke
mark

I Dewey Waller, of the County of Southampton and State of Virginia, this the twenty-eight day of May Eighteen hundred and fifty nine, being of sound mind and memory, do make and ordain this to be my last Will and testament, in manner and form following -

Item:

I give and bequeath to my son Cooper B. Waller, the following slaves - Jesse, Richard, Simon, Old Easter, Martha, and her three children, named Mary Jane, Ann Eliza, Manna Ann, and her increase if any, and John Papow -

Item:

I give and bequeath to my son Edwin Waller the following slaves, Sam. James, Tuck, Caroline, John Randolph and George.

Item:

I loan to Jesse Porter during his life, the following slaves. Cooper, Joanna, and her child Lear and her increase, Little Easter, Lucy Ann and old Lucy, and at his death I give and bequeath them to his children -

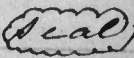
Item:

I give and bequeath to my daughter Elizabeth Newsom, the following slaves, George Anna and her increase, Solomon and Littleton and Pew. But Littleton, after he makes seventy dollars for her, yearly, is to have the rest of the year to work for himself.

- Item: I give to my slaves, Evaline and her daughter Hager, their freedom and I also give them seven hundred dollars - to be equally divided between them, to do as they please with. I give also to Hager, my white dotted Counterpane.
- Item: I give to my grandson Richard Harrison five dollars and no more.
- Item: I give to my grandson Richard Harrison, son of Washington Harrison, five dollars, and no more.
- Item: I loan to Jesse Porter during his life, all the land and houses I own and possess on the north west side of Buckhorn Swamp, the run of the swamp being the line - except one acre for the grave yard, and at his death I give and bequeath it to his children.
- Item: I loan to my daughter Elizabeth Newson all the land I own on the south east side of Buckhorn Swamp - and at her death I give it to her children.
- Item: I give to my slave, Littelton, all of my Carpenters Tools - and his house and one acre of land on which his house stands.
- Item: I wish all of my other property not given away, such as my house hold and kitchen furniture, stock of every kind

crop of every kind. if any. farming
utensils. tools not otherwise disposed
off. Carts. Stills, boilers &c. to be sold
at public sale, and after paying my
just debts, if any, the proceeds of such
sale to be equally divided between my
daughter Elizabeth Newsom and Jesse
Porter.

I appoint Francis T. Ridley my Executor
and in witness that this is my Will and
do hereby revoke all former Wills by me
heretofore made, I have subscribed my
name to it this the twenty eight day of
May Eighteen hundred and fifty nine.

Drury Waller 

Wits:

Mills L. Gray

Lawrence ^{his} _{mark} Pope

Geo. W. ^{his} _{mark} Gray

At a Court held for the County of Southampton
July 18th 1859. The last Will and testament
of Drury Waller dec^d. was this day proved by
the oaths of Mills L. Gray, Lawrence Pope,
and Geo. W. Gray, the subscribing Witnesses.
Therein and admitted to be recorded.

And on the motion of Francis T. Ridley
the Executor therein named. who made
oath, and together with Tho. Ridley and

Wm D. Goodwyn. his securities - who justified
on oath as to their sufficiency - entered into
and acknowledged a bond in the penalty
of Forty thousand dollars - conditions ac-
cording to law. Certificate is granted him
for obtaining a probate of the said Will in
due form.

Testo. L. R. Edwards C. G.

A copy-

Dato: B. F. McLeung. D. C.

Henry Waller's
Will

Exhibit.

a copy

Petition
of
Nathaniel T. Harrison
and John W. Harrison

To The Honorable C. W. Hill judge of
The circuit court of Southampton in
chancery sitting

Respectfully petitioning your petitioners
Nathaniel T. Harrison and John W.

Harrison shew unto your Honor that
sometime since Trojias Newson filed his
bill in chancery in The circuit court
of Southampton asking for partition of
a certain tract of land lying in the
said ^{county} between himself Virginia Babb
and Thomas J. Miles Your Petitioners
say that all the facts set forth in the
said bill are true, that Downy Waller
die by last will give the said land
to his daughter Elizabeth Newson
for life and at her death to his children
but there is one important fact which
he omitted to state, it is true that
Elizabeth Newson dies leaving the
then above named parties her surviving
children but she had another daughter
named Bettie Miles who married John
Harrison and that the said Bettie
Miles dies in the lifetime of her
mother Elizabeth Newson leaving
your two petitioners her children and

The grand children of Danby Waller
Your petitioners claim that by a fair
construction of the said will they should
come into partition with the said three
children in the partition of the said
land that instead of being divided into
three shares it should be divided into
four parts and one part allotted to
your petitioners and therefore your
petitioners ask to be made parties plaintiffs
to the bill filed by Trojias Newcome
and that the court would decree that
the said land in the bill mentioned
be divided into four parts and one
fourth thereof be allotted to them or if
they cannot be divided but
be sold, that one eighth of the money
be allotted to Nathaniel T. Harrison and
one eighth to John W. Harrison and
as in duty bound your petitioners
will ever pray us

Shanda to Lou
for petitioners

News om

" }
" } Sum

Babb et. ux. et. al.

1886. July Rules
Cir: Let.

Shands & Son p.p.

The within named
parties are not
residents of this County

J. D. Benham

Sheriff

July 28/86

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Nathaniel Babb & Virginia
Babb, his wife and Thomas J. Miles

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be
holden for the said Court on the first Monday in July next, to answer a bill in
chancery exhibited against them in our said Court by

H. Trojias

Newsom

And this *they* shall in no wise omit; and have then there this writ.

Witness, J. B. PRINCE, Clerk of our said Court, this 24th day of June,
1886, in the 110th year of the Commonwealth.

Testo: J. B. Prince

C. C.

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *Nathaniel Babb & Virginia Babb, his wife* *by* *Thomas J. Miles*

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the first Monday in *July* next, to answer a bill in chancery exhibited against *them* in our said Court by

Frozier Newsom

And this *they* shall in no wise omit; and have then there this writ.

Witness, J. B. PRINCE, Clerk of our said Court, this *24th* day of *June* 188*6*, in the *110th* year of the Commonwealth.

Testo:

J. B. Prince

C. C.

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *Nathaniel Babb & Virginia Babb, his wife, and Thomas J. Miles*

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the first Monday in *July* next, to answer a bill in chancery exhibited against *them* in our said Court by

Frojas Newsom

And this *they* shall in no wise omit; and have then there this writ.

Witness, J. B. PRINCE, Clerk of our said Court, this *24* day of *June* 188*6*, in the *110*th year of the Commonwealth.

Testo: J. B. Prince

C. C.

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *Nathaniel Babb & Virginia*
Babb, his wife and Thomas J. Miles

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be
holden for the said Court on the first Monday in *July* next, to answer a bill in
chancery exhibited against *them* in our said Court by

Frozas Newsom

And this *they* shall in no wise omit; and have then there this writ.

Witness, J. B. PRINCE, Clerk of our said Court, this *24* day of *June*
188*6*, in the *110*th year of the Commonwealth.

Testo J. B. Prince C. C.

in her very position of the thing, the
dollar for her set aside and that
the said John W Garrison and
Mathew J Garrison from only
their share of the legal costs of
this suit

New York
on 3 Decr
Robt Wals

To be entered
C. W. Hill
May 8, 1884

Neuson

vs 3

Deere

Kabb & als

This day this cause came on again to be heard on the papers formerly made and the report of the commissioners R. F. Barham, F. E. Williams and Silas Drake dividing the tract of lands containing 327 acres where Elizabeth Neuson died seized and possessed and abating 120 acres to Leijes Neuson 118 acres to Thomas J. Miles 122 acres to Virginia Kabb 20 acres to John W. Garrison and 50 acres to Nathaniel J. Garrison as will appear by the plat returned by the commissioners 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 by consent of Messrs Shames & Son as much of the decree entered in this cause as a vacation on the 10th of June 1887 as directed John W. Garrison and Nathaniel J. Garrison to go to Mr. B. Shames

Newsom
5
to the sum
Babb et. al. et. al.

1886. Sept Rules
Cir: et

I hereby acknowledge legal notice of the
within shown on. I have read the same this 4th day of
Sept. 1886.

Thomas J. Miles

Witness:

J. F. W. Leonard

The Commonwealth of Virginia,

TO THE SHERIFF OF ^{Nansemond} ~~SOUTHAMPTON~~ COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

Thomas J. Miles

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the first Monday in *September* next, to answer a bill in chancery exhibited against *him & others* in our said Court by

Troyias Newsom

And this *he* shall in no wise omit; and have then there this writ.

Witness, J. B. PRINCE, Clerk of our said Court, this *9* day of *July* 188*6*, in the *111* year of the Commonwealth.

J. B. Prince

C. C.

Memorandum
for the Judge

Newsome

103

Miles 11.5

Appoint Frank Williams
R. F. Barkham and Silas Doake
commissioners to divide the land

[Signature]

Check will copy well of Drewry
Haller. - admitted to record sometime
in year 1859. Make some Exhibit
No I and file some in case of
Newsom vs Miles et als

1886 Aug 10 day Executed and a true
copy here of Deed to W. J. Gillies

L. B. Vaughan & Son
L. L. Vaughan Shiff

Newsom

Sum

Babb. et: ux: et: al:

1886. Sept. Rules

Civ: Ch

The Commonwealth of Virginia,

TO THE SHERIFF OF ^{Norfolk and} ~~SOUTHAMPTON~~ COUNTY—Greeting:

WE COMMAND YOU TO SUMMON

Thomas J. Miles

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the first Monday in *September* next, to answer a bill in chancery exhibited against *limitators* in our said Court by

Procius Newsom

And this *he* shall in no wise omit; and have then there this writ.

Witness, J. B. PRINCE, Clerk of our said Court, this

3^d

day of

July/Aug

188*6*, in the *111th* year of the Commonwealth.

J. B. Prince

C. C.

News on

to the sum

Babb. et. Ux. et. al.

1886. Aug. Rules

Cir. Ch

We acknowledge service of the
within annexed process given under
our hands this 30th day of July 1886

signed by

Nathaniel H. Babb

Wm. T. Adams

my
witness
her
Mary

The Commonwealth of Virginia,

TO THE SHERIFF OF ^{Isla of Wight} ~~SOUTHAMPTON~~ COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *Nathaniel Babb, and Virginia Babb, his wife*

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the first Monday in *August* next, to answer a bill in chancery exhibited against *them* in our said Court by *Trojias Newsom*

And this *they* shall in no wise omit; and have then there this writ.

Witness, J. B. PRINCE, Clerk of our said Court, this *9th* day of *July* 188*6*, in the *111th* year of the Commonwealth.

J. B. Prince

C. C.

94
93

Neuron

at 3 Dec

Miles re

May Term
1887

C. M. Allen

✓

Nierson

vs 3 Jones
Miles vs

This day this case
came on to be heard on the plaintiffs
bill taken for copy as to the
defendants Nathaniel Babb, Virginia
Babb his wife and Thomas S Miles
exhibit files and the petition of
Nathaniel S Hamilton and John
W Hamilton and was argued by
counsel On consideration where
the court without deciding any of
the questions involved in this case
takes time to consider and will
take the papers for a vacation
order

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Newson
of 3 Dec
Miles & others

To be used
Jan 10th 1887

Neuron

vs 3
Miles vs

Deene

This day this cause came on again to be heard on the papers formerly ^{by court in vacation} read and was argued by counsel and the court being of the opinion that Bettie Miles took a vested interest in the tract of land devised by Gregory Waller died to his daughter Elizabeth Neuron for life and her death to her children doth adjudge order and decree that one fourth of the said tract descended to Nathaniel T. Harrison and John W. Harrison as the heirs at law of their mother Bettie Miles or Harrison and the court doth further, adjudge, order and decree that Frank Williams R. F. Barham and Silas Drake who are hereby appointed special commissioners for that and who shall after reasonable notice to the parties interested proceed to divide the tract of land in the bill mentioned containing 527 acres when Elizabeth Neuron dies ^{deceased} and proposed into four shares having regard to quality and quantity and allot one share to Fajias Neuron one share to Virginia Bart wife of Nathaniel Bart one share to Thomas J. Miles

And the other fourth share divide
into two equal parts and allot
one half thereof to Nathaniel S
Garrison and the other half to
John W Garrison and if necessary
the said commissioners are authorized
and empowered to employ a competent
surveyor to assist them in dividing
the same & be paid by the parties
and who will return a plat of
the survey to the court with their
report but if the said commissioners
find it impracticable to divide the
said lands among the parties
to report to court for its further
order and the court doth further
adjudge order and decree that
the said parties interested do set
Trojias Newsome, Virginia Barb
Thomas S Miles, Nathaniel S
Garrison and John W Garrison
pay the costs of this suit including
a fee of thirty dollars to their
attorneys Messrs Thomas & Son

C. W. Hill
Judge

To the clerk of circuit Court of
Southampton June 10th 1887

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Newsom

vs J Stat: Rules

Miles J^c

In Southampton Circuit Court.

Tropias Newson Pltff.

against

Nathant. Babb. Virginia Babb

} In Chancery.

1886

and Tho: J. Miles . Defts

Aug. 3

Summons to ^{Sept} Rules 1886. vs Nathant & Virginia Babb.

Sept.

Aug Rules.

Summons Retd Executed on Nat Babb & Virginia Babb. ^{Bills filed} & Decree nisi.

Aug 3

Summons to Sept Rules 1886 vs Tho J. Miles.

Sept Rules

" returned ^{Sept} and decree nisi

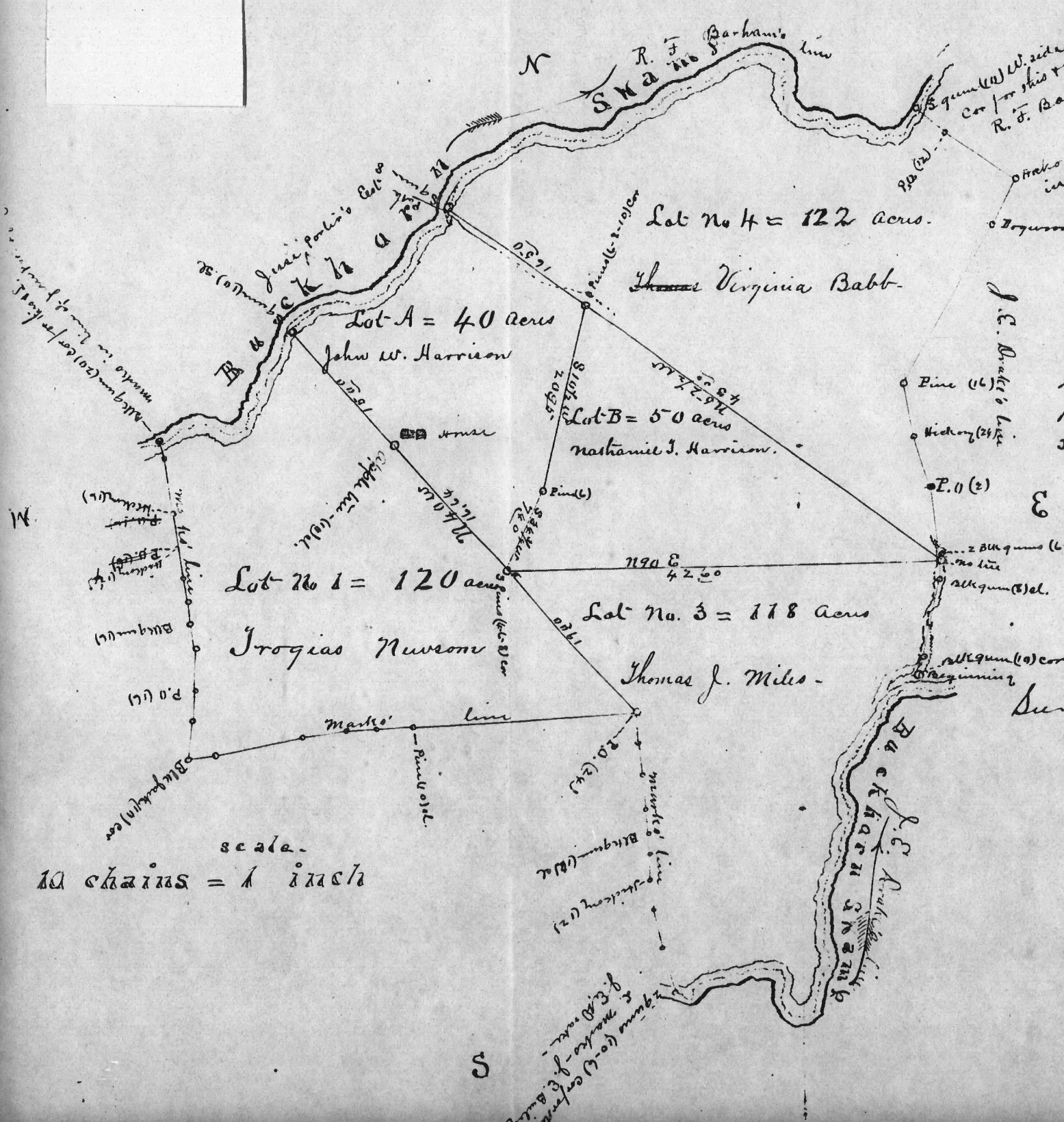
" . . .

Bills taken for confessed as to Nathant & Virginia Babb. and cause set for hearing as to them.

Oct Rules

Bills taken for confessed as to Tho J. Miles and cause set for hearing as to all.

Original
in
owner's
file



The adjoining Plat represents the lands of which Elizabeth Newson died possessed: situated in Southampton County - & divided ~~in~~ pursuant to Decree of the Circuit Court - by R. F. Barkham, Frank Williams & Elias Drake - Special Commissioners.

Containing

Lot No 1 - Trojias Newson - 120 acres.	Lot A. Bro. W. Harrison - 40 "
Lot " 2 } " B. N. J. Harrison 50 "	" " 3 } Thos. J. Miles 118 "
" " 4 } Virginia Babb 122 "	Total 450 acres.

Surveyed Nov. 3. 1887.
R. F. Kindred
Surv.