

1909-105

Southampton County Chancery

Vick, J. Edw

vs

Harrell, L. V. et al.

To sell timber for
maintenance and schooling
of left children

Vick, H. F.

Vick, H. M.

Vick, J.

Vick, G. J.

Vick, J. E.

Vick, B. L.

Barton, Mollie A.

Vick, Laura

Vick, H. F.

Vick, H. M.

Vick, A. L. right

Vick, C. Nelson

Vick, B. Nelson

To the Hon R.R. Prentiss Judge of the Circuit
Court for Southampton Co Va

In chancery

Complaining sheweth unto your honor
your complainant J. Vick Son of her
the children, H.F. Vick & 26 m. Vick infants
over 14 years old and O.L. Vick an
infant under 14 years old. That her
said words are seized and possessed
of a tract of land in Southampton
Co Va containing eighty nine acres
more or less That there is some pine
timber on the same. That her said
words are now in great need of money
to pay for their maintenance & schooling
That the timber will sell for more
now than it will in a short time
hence. That such being the case
your complainant had the said timber
examined by competent judges of
such matters and having obtained
their opinion of the value and
market price of the same she
thereupon by a written contract
and agreement dated Aug 6th 1895
signed and acknowledged by her
as Son of aforesaid infants and
G.V. Howell sold all the pine
timber down to fourteen inches

diameter across the stump eighteen inches
from the ground ^{on said land} to said L.V. Howell
for the sum of \$180.⁰⁰ to be paid in
full before same is cut and also give
a right of way to remove the same also
further rented to said L.V. Howell
for fifteen hundred feet of best lumber
for the year 1895 rights of way &c
across said land for removing
other timbers of said L.V. Howell &c
across said land with right to be
re upon paying \$15.⁰⁰ annually to have
use of said right of way for a period
not exceeding ten years from Jan 1st
1896. all of which will more fully
appear from said agreement be-
with filed marked exhibit No I
and prayed to be read as a
part of this bill. That the said sale
& renting is a most advantageous
one and your Complainant most
heartily asks the court to confirm
the same. That if said words were
dead your Complainant and their
half brothers and sisters to wit: R.J.
Vick. S.E. Vick. G.L. Vick Laura A
Vick. & Mollie A Borden. and C
Nelson and B Nelson infant

children (under 14 years old) of a deceased
half sister - Alice V. Nelson would be their
heirs and distributees. That the rights
of no one will be violated by
the confirmation of aforesaid agreement
~~out of~~ sole &c. In as much as your
complaint is without remedy
save in a court of equity where
matters of this kind are properly
cognizable the prayer that J. Vick
L. V. Howell, R. J. Vick, L. E. Vick & L. L. Vick
Mollie A. Borden, Laura Vick adults
and the infants H. F. Vick, H. M. Vick
O. L. Vick C. Nelson & B. Nelson may be
made parties defendant to this bill
and compelled to answer the same, but
on answer under oath is waived as
to all the adult defendants and that
a proper guardian ad litem may
be appointed to represent the said
infants and who as well as
the said infants who are over 14
years old shall answer the said
bill on oath, that the court would
direct that the said agreement ~~shall~~
be confirmed, that all proper
orders and decrees be made
and inquiries directed, that such
other, further, general and special

relief be granted as to equity may seem
meet or the course of the case require. Your
Complainant gives notice to all
interested parties that she will ask
the court to allow her attorneys in
this case - Shands Son a reasonable
attorneys fee, and as in duty bound
your Complainant will ever pray.
May it so please the court so

J. Rick
Son of H. F. Rick; H. M. Rick. O. L. Rick

Shands Son per

Subscribed and sworn to this 26th day
of August 1895 in my County of Stoke
by J. Rick Son of H. F. Rick H. M. Rick. O. L. Rick
before me J. R. Gilliam a Justice
of the peace for Southampton Co Va
J. R. Gilliam J. P.

Vicks Guardian

vs. } Gen. Bond

Howell et al.

1896. 21st Sept. Filed.

L. A. Gay & Co.

Know all Men by these Presents, That we J. Vick & J. R. Porter

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Two Hundred & Fifty Dollars,
to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administra-
tors, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit
of our homestead exemption as to this obligation, and also waive any claim, right or privilege to discharge
any liability arising under this bond, or by virtue of said office, post or trust, with coupons detached from
bonds of this State.

Sealed with our seals and dated this 21st day of September A. D. 1896.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound J. Vick & J. R. Porter
of Harriet F. Vick, Harriet M. Vick, & L. Vick orphans
of Samuel Vick decd. ~~who was empowered by a Decree~~
~~entered in the Circuit Court of the County of Southampton~~
~~in 1896 in a Chancery suit of Vick's Guardian vs.~~
~~Howell et al. to receive the sum of \$180.00 for certain~~
~~of infants & to L. V. Howell and also all sums resulting~~
~~from a lease of right of way across said infants land.~~
~~shall faithfully perform his duties as such Guardian~~
~~according to conditions laid down in said decree.~~

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

Signed, sealed and delivered in presence of the Court.

Witness
H. D. Howard

J. Vick [SEAL.]
J. R. Porter [SEAL.]

[SEAL.]

[SEAL.]

In the Clerk's Office of the Circuit Court of the County of Southampton
this day J. R. Porter sworn on the above bond, made oath before me
L. A. Gay, Clerk of the Circuit Court of the County of Southampton, that his
estate after the payment of all his just debts, and those for which he is
bound as security for others, and up to him to pay is worth the sum of \$200.00
Whereupon the said bond is admitted to record according to law.
Given under my hand this 21st day of Sept. 1896.

Witness: L. A. Gay Clerk

Vick's Guardian

VJ. } Statement of Costs

Howell et al.

Vicks Guardian

VS. } Statement of Costs.
Howell et al.

Sum. 25. 8 Copies \$1.04. receipt 18. atty. 10. Doc. 18. 1.75
Vels 50. Entering return 35. fil. Bill N.D. Exhibits 15. 1.15
Vels 50. fil. 2 answers 30. replication 15. fil. Depositions 15. 1.10
Dr. Morris report 15. 2 decesses \$1.44. Continuance 25. = 1.84
Lat. Costs 40. filing away papers 25. = 65
Future Costs 100

Sept. 30th 1896

Paid L. A. Gay Clerk \$7.49

Paid J. Williams Sheriff 1.00

Dec 22/96 Paid W.B. Shands Son Law re. 16.50
\$24.99

Paid: B. F. McLenore Fee of Court B. F. McLenore 5.00

Witness { S. L. Boyant 50
J. W. Whiting 50

\$30.99

The answers of H. F. Vick, H. M. Vick, O. L. Vick, C. Nelson & B. Nelson infants defendants by W. J. Sebell their Son and item to a bill in equity exhibited against them et al in the Circuit Court for Ponthampton Co Pa. by J. Vick Son

These defendants by & through their Son and item for answers to said bill answering say that they are infants under twenty one years and that they trust and confide their interest to the care and protection of this court, asking that it would direct all proper decrees to be entered in pursuance to be made to protect and advance their interest and confirm said bill and having fully answered they pray hence to be dismissed with their costs &c

Signed W. J. Sebell,

Son and item for

H. F. H. M. O. L. Vick and C. & B. Nelson

Shand & Son p.d.

Subscribed and sworn to to this
day of August 1895 in my county
State of N. J. before me
before one B. F. Mc Linn
a commissioner in chancery for
the circuit court for Southampton
Co. Va

B. F. Mc Linn
Com. in chancery

Vicks' Gordon

N. J. Answer Gordon and Litem

Howell et al

1895 1st Sept Rules filed

L. A. Gay L.C.

This deed made and entered into
between J. F. Vick Guardian of J. F. Vick
J. M. Vick. O. L. Vick party of the first
part and L. V. Howell party of the second
part. Witnesseth that the said party
of the first part for and in con-
sideration of the sum of one hundred
and eighty dollars to be paid or
hereinafter stated does hereby bargain
sell and convey with general war-
ranty unto said L. V. Howell all
the pine timber measuring fourteen
inches in diameter and upwards
across the stump at a distance of
eighteen inches from the ground (but
said party of first part reserves four trees
to be selected by her and not to be cut
by said party of the second part) on the
tract of land owned by the said
J. F. Vick. J. M. Vick and O. L. Vick situated
in Southampton Co Va and adjoining
the lands of S. L. Bryant. The Holt
tract. Wesley Vick's ^{land} it being the
same tract recently allotted to them
in the chancery suit for settlement
of their father's estate and con-
tains eighty nine acres more or
less and the said party of the second
part shall have the right of ingress

and agrees upon said land for the purpose of cutting and removing said timber together with such rights of way for team roads or railroads and wagon or cart ways as may be necessary for the purpose of removing the said timber and it is expressly stipulated and agreed that the said purchase money is to be paid in full before the said timber can be cut and that the said purchaser L. V. Howell or her assigns is to have twelve months from the date the court confirms this sale in which to cut and remove the said timber and that said party of the second part is to pay all expenses incurred in bringing suit to confirm and ratify this sale.

and the said party of the first part further agrees that in consideration of the sum of fifteen hundred feet of heart lumber she grants and leases for the year 1895 a right of way for a team roads or railroads or wagon or cart way across the aforesaid land for the purpose of removing any other

timber said party of second part or her assigns may wish to remove. with the right to said party of the second part or her assigns upon paying annually the sum of fifteen dollars to have the said right of way for as much more time after the year 1895 as the said party of the second part or her assigns may wish not exceeding ten years from July 1st 1896. and it is distinctly understood and agreed that the said party of the second part or her assigns shall have the right to remove all railroad, from road, ^{material} buildings and other material or improvements put by her or her assigns on said land. as witness the following signatures and seals this 6th day of August 1895

J. H. Vick ^{head} _{mark}, Guardian of H. F. Vick, H. M. Vick & O. L. Vick (seal)
L. V. Howell (seal)

Virginia

Southampton Co. Va. ^{County}
I H. H. Hands a Commissioner in
chancery for the Circuit Court
for said County hereby certify

That J. Vick Son of H. F. Vick, H. M. Vick and
O. L. Vick and L. V. Howell whose
names are signed to the above
writing dated Aug 6th 1895 have
acknowledged the same before me in
my said County. Given under
my hand this 20th day of August 1895
Notary Public

Comes in Chancery

J. Vick Son of

to 3 agreement re

L. V. Howell

Exhibit No 1

The joint answer of H. F. Vick and H. M. Vick infants over 14 years old to a bill in equity exhibited against them et al in the Circuit Court of Southampton Co Va by J. Vick Son et

These defendants for answer to said bill say that said H. F. Vick is 17 years old & said H. M. Vick is 15 years old that they have read carefully the statements contained in said bill and that they are true and that they have carefully thought over and examined into the matter and informed themselves concerning the same and that they are fully convinced that the sale and lease referred to in said bill is a most excellent one and that they join most heartily in asking the court to confirm the same. and having fully answered they pray leave to be dismissed with their costs

Signed

H. F. Vick
H. M. Vick

At and on p.d.

Subscribed & sworn to this 26th day of Aug
1895 in my county & State by H. F. Vick
& H. M. Vick before me J. R. Gilliam a
Justice of the Peace for South-
ampton Co Va

J. R. Gilliam J. P.

Vick Gdn

Joint answer of H. F.
& H. M. Vick two infants
over 14 years old

Howell & Co

1895 filed first Sept Rules

L. A. Gay C. C.

Vicks. Guardian

No. } Statement of Rivers

Howell et als.

Plaintiffs

J. Vick, Guardian of H. F. Vick, H. M. Vick, O. L. Vick,
VS } In Chancery

J. Vick, R. J. Vick, Mallie A. Barden, Laura A. Vick,
S. E. Vick, G. L. Vick, L. V. Howell, H. F. Vick, H. M. Vick,
O. L. Vick, to Nelson, B. Nelson, the last five infants
under 21 years old by H. J. Sebrule Their 4th ad. litem. Defts,
1895. 20th Aug. Process Ipd. to 1st Sept. Rules.
1895. 1st Sept. Rules. Process returned & executed.

Bill & Ex. filed, H. J. Sebrule appointed 4th ad. litem
to infant defts, answer of 4th ad. litem to infant defts.
& joint answer of H. F. & H. M. Vick two infants over
14 years of age filed. with general replication thereto
Deem nisi vs. adult-defendants,

1895. 2nd Sept. Rules. Bill taken for confessed as to
adult-defendants and cause set for hearing
as to them.

In the Circuit Court of Southampton County
September Term 1895.

Vick's Guardian

vs. } Deane

Howell et al.

This day this cause came on to be heard on the plaintiffs bill the answer of the infant defendants by H. F. Sebrill Esq. ad-litem duly appointed at rules, and the answer of H. M. Vick & H. F. Vick two of the infant defendants over 14 years of age and general replication to said answers, the said bill being taken as for confessed as to the adult defendants and on the exhibits filed with said bill and was argued by Counsel, On consideration whereof the Court doth adjudge order and decree that one of the Commissioners of this Court enquire and report.

1st. Whether it is to the interest of the infants H. M. Vick, H. F. Vick, O. L. Vick to sell the timber in the bill described and lease right of way over their land to the same as asked for in plaintiffs bill

2nd. Whether the interest of any other party would be violated or not by confirmation of said contract of sale &c.

The said Commissioners will also report

The evidence upon which he bases his
conclusions together with any other matters
specifically stated deemed pertinent by himself
or which he may be required so to state
by any interested party.

A copy.

Test: L. A. Gay to be.

Vick's Guardian
Vs. } 1st Deane
Barnes et al.

Entered

Page 29.

De Al's Guardian

2 } Sp'a

Howell & als:

1896. March 11.

Executed March
2. 1896 by delivering
a copy of this Sp'a
to each of the within
named parties.

R. D. Morgan Left
for J. W. Williams
Shiff.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

Salon L. Bryant and
J. M. Whitley

to appear before the Judge of our County Court of Southampton County, at the Courthouse thereof
on the 11 day of March, 1896, to testify and the truth to speak

on behalf of J. V. S. Guardian &c.
in a certain matter of controversy in our said Court depending and undetermined between

V. S. Guardian, plaintiff, and
Howard &c., defendant.

And this thy shall in no wise omit, under the penalty of the law. And have then there this writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this 26 day
of Feb, 1896, in the 120 year of the Commonwealth.

TESTE:

B. F. McLamore, C. C.

Victor's Gain.

4 } Notice

Howell

1896. March 11.

Executed March 25/96
By delivering a copy of this
notice to each of the within
named parties defendant

R. D. Moore Deft
for J. R. Williams
Plaintiff

For R. D. Moore

By Kins
Va

S,
1

I hereby acknowledge
legal service of the
within notice.

W. J. Sebrill,
G'da. ad litem.

Commissioner's Office,

Quintana, Va., Feb 24th 1896

To J. Vick. R. J. Vick. Mollie A. Barden,
H. M. Vick. Laura A. Vick. J. E. Vick. G. L. Vick.
L. V. Howell. H. F. Vick. Q. L. Vick. b. Nelson. B.
Nelson -

You are hereby notified that I have fixed upon the 11 day of March
next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office,
the following accounts, to wit:

- 1st - Whether it is to the interest of the infants H. M. Vick -
H. F. Vick. Q. L. Vick to sell the Tracts in the bill des-
cribed, and leave right of way over their lands to the
same, as asked for in the Plaintiffs bill.
- 2nd - Whether the interest of any other party would be violated
or not by Confirmation of said Contract of sale.

required to be taken by a decree of Southampton Circuit Court, rendered at the September
term, 1895, in a suit in chancery depending in said Court, in which you are parties, plaintiffs and
defendants; at which time and place you are required to attend.

Given under my hand, as Commissioner in Chancery of said Court, the day and year first
aforesaid.

B. F. M. Lamm

Commissioner.

To the Sheriff of Southampton County to execute.

S. L. Bryant - being duly sworn, deposes as follows

Q: What is your age, and occupation - and do you know the parties to the suit?

A: My age is 28 years - a Farmer by occupation and know the parties to the suit:

Q: State whether or not, it is to the interest of the infants, St. F. Vick, St. M. Vick & O. L. Vick to see the timber in the bill described, and right of way over their land to the same, - as asked for in Plaintiff's bill. And if so, state your reasons for saying so?

A: I think it would be to the interest of said infants to see the timber. because they need the money to go to school on - and to keep the farm in proper condition. they have no personal Estate, or very little. And their mother has no means with which to school them. Nothing but what she acquires by her own labor.

Q: Will the interest of any other party be violated by such sale?

A: I should think not.

Q: What, in your judgment, would be a fair price for said timber?

A: \$150.00 would be a fair price - \$180.00, a big price, and \$10.00 for right of way. I live near the timber and know it well.

And more this deponent says etc not.

S. L. Bryant

The witness J. W. Whitley - being duly sworn deposes and says: I am 52 years of age, a Farmer. know the parties to the suit.

the timber mentioned - and fully corroborate
what has been stated above by Mrs S. L. Bryant.
I live near the land.

And further this defendant says etc not.

J. W. Whitley

Witness:

S. L. Bryant - 50.⁺
J. W. Whitley 50.⁺

Subscribed and sworn to before me this 11th day
of March 1896.

B. F. McLemore
Clerk in Charge

The foregoing interrogatories were
agreed to by me.

W. J. Sebrill,
Gov. ad litem.

Commissioner's Office.
Courtland, Va.

March 11th 1896.

To the Circuit Court of Southampton Co.
Pursuant to a decree of said Court entered
at the September Term 1895. in the Cause
of Vick's Guardian & Howell, et. al.: the under-
signed Commissioner, ~~and~~ to whom said decree
has been referred, reports to Court: That on the
24th day of Feb. 1896. he issued Notice against the
parties to the suit, requiring them to appear
before him, at his Office in Courtland, on
the 11th day of March 1896. Said Notice has
been executed, and is herewith returned. The
Commissioner also issued a Sp'ia against S. L.
Bryant and J. H. Whitley. to appear before him
at the above said time and place. That said
Witnesses appeared in obedience to said Sp'ia.
their depositions taken, subscribed and sworn
to - and are filed herewith - to which the
attention of the Court is specially directed.
From the depositions of the witnesses above re-
ferred to, it will be seen, that it is, or will be
to the interest of the infants, H. F. Vick, H. M.
Vick and O. L. Vick for the Contract of sale of
the timber mentioned and described in the
Plaintiff's bill to be confirmed. at the price
agreed upon. that said price, to wit: \$180.00.
is a very good one. that said infants need
the money for Educational purposes. and for
keeping up the farm, that they have very little personal estate.
That the rights of no party will be violated by
said sale should the Court see fit to confirm

the same.

Respectfully Submitted.

B. F. McLemore,

Clerk in Chancery.

Commissioner's fee
\$5.00 Ch. Pleffs

Witness fees:

S. L. Bryant .50+

J. M. Whitley .50+

Vicksburg Guard Co.

Co. } Report.

Howell

1896. March 11. filed

Vick's Guardian
n 3 121 D. 22
Hawell et al

Yc m d 11/10

To be entered
Sept 25, 1895.
10 but 12. H. H. H.

Entered
page 29

Vicks Guardian
re 3 Dece
Howell et al

This day This cause
come on to be heard on The plain-
tiff's bill the answer of the infant
defendants by W. J. Sebel Gen and
^{duly appointed at rules,}
return and the answer of H. M. Vick
+ H. F. Vick two of the infant defendants
over 14 years of age and general
replication to said answers. The said
bill being taken as for confessed
as to the adult defendants and
on the exhibits filed with said
bill and was argued by
counsel on consideration whereof
the court took a sudge order
and decree That one of the
commissioners of this court
inquire and report
1st whether it is to the interest
of the infants H. M. Vick, H. F. Vick
O. L. Vick - ~~to sell the land~~ ~~that the~~ ~~bill described~~ ~~and leave~~
~~for to H. M. Howell and have~~
right of way over their
land to the same as asked
for in the plaintiff's bill and
~~according to the contract~~
~~therein filed, to confirmed~~

2nd whether the interest of any
other party would be affected
or not by confirmation of
said contract of sale
The said Commissioner will also
report the evidence upon which
he bases his conclusions
together with any other matters
specially stated deemed per-
tinent by himself or which
he may be required or tho
shown by any interested party
~~and by counsel of all estate parties
given in open court by their
counsel the court continuing for
the inf. defendants ordered
that the further hearing of this
cause may be had in vacation~~

Vick & Son. re.

vs } Sum. In Chy.

Vick et. al.

1895. 1. Sept. Rules,

his let.

Executed by deliv-
-ing a copy of this
'Order' to M. A. Bor-
-den & R. J. Vick

Aug 28 / 89

W. Williams

Shy,

We acknowledge legal service
of within summons. Spends
\$500 deep for J. Vick. J. E. Vick
J. L. Vick. David a Vick. L. V.
Howell

(2)
W. D. Howell, Eda. ad aliam.

Shands & Son. p. g.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON *J. V. Vick, R. J. Vick, Mollie A. Barden,*
Lemona A. Vick, S. E. Vick, G. L. Vick, L. V. Howell, H. F. Vick,
H. M. Vick, O. L. Vick, C. Nelson, D. Nelson, The last five
infants under 21 years by H. J. Seabrook Their Hdn, ad litem,

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 *1st* Monday in *Sept.* 1895 next, to answer a Bill in Chancery
exhibited against *Them* in our said Court by *J. V. Vick Hdn of H. F. Vick H. M. Vick*
x O. L. Vick.

And this *They* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, *L. A. Gay* T. M. HOWARD, Clerk of our said Court, at the Courthouse, this *20th* day of
August 1895, in the 12th year of the Commonwealth.

TESTE:

L. A. Gay, C. C.

Vick's Son

vs 3 Deese

Howell et al

This day this
cause came on again to be
heard on the papers formerly
read and upon the report of
Counr McLemore and depositions
therewith filed to which report
no exceptions have been filed
and was argued by Counsel
on consideration whereof the court
doth adjudge order and deese
that the said report be con-
firmed and the court ap-
proving of the ~~of the~~ contract
of sale of infants timber and
lease of right of way across
their land as stated in plain-
tiff's bill and said contract
filed in this cause doth
further adjudge order and
deese that the same be accept-
ed and confirmed that the said
J. Vick guardian of said infants
be empowered to receive as
such the money for said
timber and collect said

sums due for use of said
right of way as they become
due and execute to said
purchaser proper receipts for
above said amounts.

But before the said Vick Guardian
shall receive the said money she
is required to execute before the
Clerk of this Court a bond
with good security in the
penalty of \$250 - conditioned for the
faithful application of the fund and for the
management and preservation of any property or
securities in which the same may be invested and
for the protection of the rights of all persons interested
therein whether such rights be vested or contingent.
The said Guardian is authorized to expend the
said fund in the maintenance and education of the
said infants or so much thereof as may be necessary
for that purpose. -

Vick's Bond - 1909 -

W. 3rd Decr

Howell & Co

To be entered

Mar. 23, 1896

Robert R. Howells

Entered

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