

## Division of Lands of Jonathan Stoner

There are six basic court dates that deal with the division of the lands of Jonathan Stoner as noted below. This is a summary by Jerry McDowell of all the original documents.

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April 16, 1879

An “oath of an executor” document was filed and signed by William Stoner and Levi Frick swearing that they believe the writing of Jonathan Stoner’s will is his last will and testament and that they will carry out the wishes of the will as executors.

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April 18, 1879

Superior Court

Levi Frick and his wife Julia Ann (Stoner) Frick and John A. Brady and his wife Leah Stoner Brady are defendants against William Stoner, Eve Ann (Stoner) Lewis, Lundy Ludwick, Libris Ludwick, James Ritchey and wife Jamima Ritchey, Adam I. Morgan, Columbus Basinger, Robert Basinger (these three are children of Camilla Morgan who is now deceased), Eve Stoner and William Stoner.

First, the petitioners are the plaintiffs showed the court that Julia Ann Frick and Leah Brady are tenants in common with William Stoner, Eve Ann Lewis, Lundy Luwick, Libris Ludwick, Jamima Ritchie, Adam I. Morgan, Columbus Basinger, Eve Stoner and William Stoner of several tracts of land that were named. (Note – Robert Basinger’s name was probably inadvertently left out of the list). The lands included 180 acres known as Jonathan Stoner’s home place and 115 acres known as the Harkey tract which were said to have descended to the foregoing tenants in coming from Jonathan Stoner deceased.

Second, the plaintiffs say that Jonathan Stoner had given 96 acres of land to his son William Stoner and 96 acres to John M. Stoner during his lifetime. Also, Jonathan Stoner had advanced 18 acres to Leah Brady.

Third, they acknowledged to the court that Eve Ann Lewis is a non-resident of North Carolina. Indeed, she had married and was living in Mississippi.

Fourth, Lundy Ludwick, Libris Ludwick and Jamima Ritchie are together entitled to one share of the said lands. And that Adam I. Morgan, Columbus Basinger, and Robert Basinger together are entitled to one share of the said lands (children of daughter Camilla Basinger who is deceased), and that Eve Stone and William Stoner (children of son John M. Stoner who is deceased) are entitled to one share and that John M. Stoner had never been advanced any share during Jonathan’s lifetime.

Fifth, that Libris Ludwick, Jamima Ritchie, Adam I. Morgan, Columbus Basinger, Robert Basinger, Eve Stoner and William Stoner are infants under the age\ of twenty-one years of age.

Sixth, that Julia Ann Frick and Leah Brady want to hold their shares of land in severally, and therefore they ask the court to appoint three commissioners to value the said lands into equal shares by proper mites and bounds taking into consideration lands that have been advanced to other children and that the final disbursements be equal in value to the point of the difference in value be reported to the court.

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April 23, 1879

Superior Court

Levi Frick and his wife Julia Ann (Stoner) Frick and John A. Brady and his wife Leah Stoner Brady are defendants against William Stoner, Eve Ann (Stoner) Lewis, Lundy Ludwick, Libris Ludwick, James Ritchey and wife Jamima Ritchey, Adam I. Morgan, Columbus Basinger, Robert Basinger (these three are children of Camilla Morgan who is now deceased), Eve Stoner and William Stoner.

The request to the courts is that there be a publication in the Salisbury News for six consecutive weeks notifying Eve Ann (Stoner) Lewis that the lands of Jonathan Stoner are going to be divided and since she lives in Mississippi, she needs to answer the complaint regarding the planned division of land.

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June 2, 1879

Levi Frick and others against William Stoner and others.

The court appoint H. N. Woodson to be appointed guardian ad litem for infant defendants Libris Ludwick, Jamima Richie, Adam I Morgan, Columbus Basinger, Robert Basinger, Eve Stoner, and William Stoner. The word “infant” is the same term as “of age” meaning these children are all under age 21.

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June 12, 1879

Levi Frick and wife Julie Ann Frick, John A Brady & wife Leah Brady against William Stone, Eve Ann Lewis, Lundy Ludwick, Libris Ludwick, James Ritchie and wife Jamima Ritchie, Adam I, Morgan, Columbus Basinger, Robert Basinger, Eve Stoner & William Stoner are defendants.

It was ordered that David Barringer, John F. Hodge, and George Bame be appointed commissioners and that they, or two of the three, are to divide the lands described in the petition into equal shares and allot the same to the persons entitled to the shares. The court notes that

William Stoner and John M. Stoner had received land from their father while he was alive and that the commissioners should take that into consideration when dividing the land. Obviously, there was a difference of opinion among the heirs as to what was a fair distribution of Jonathan Stoner's land. In fact, the court says that after study of the allotments that the commissioners cannot allot more than their share to the heirs of William and John M. Stoner. Also, Leah Stoner Brady had had an advancement of land to her and it had to be handled the same way. Once a determination was made by the commissioners of the value of the lands then they should proceed to allot the lands. Of course John M. Stoner is dead and his share goes to his children Eve Stoner and William Stoner. The court just wants to make sure that equal shares and value of land is divided among all of Jonathan Stoner's living heirs. In that regard, Adam I. Ivey, Columbus Basinger, and Robert Basinger are the three children of Camilla Morgan's one share and she is deceased – so each child gets one-third of her one share.

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August 1879

Everyone is back in court and the commissioners given their findings. Lot 1 went to Levi Frick and wife Julian Frick containing 126 acres. Lot 2 went to Librus Ludwick and Lundy Ludwick containing  $57 \frac{3}{4}$  acres. Lot 3 went to Eve Ann Lewis containing 53 acres. Lot 4 went to Adam I. Morgan, Columbus Basinger, and Robert Basinger containing  $48 \frac{1}{2}$  acres. Lot 5 went to John Brady and wife Leah Brady and contained  $67 \frac{1}{2}$  acres and 10 acres deeded to John Brady. The commissioners found that William Stoner and John M. Stoner were advanced during Jonathan Stoner's lifetime more than enough to make them equal to one share each. Therefore, the court charged sums of money for the unequal shares. The amounts of each value that is to be paid is noted in the documents.

It appears that the work of the commission was accepted for there are no other court actions on file.