1830-014 SOUTHAMPTON COUNTY CHANCERY PAPERS

HUNDLEY'S GUARDIAN v.d US. HUNDLEY'S HEIRS

4/1830

PLAT

other surnames: Butcher, Bracher, Vick, Bradshaw, Batcher, Bligh

Hundley Goodrode
vs
Williams Guardo

Bill for sale of
Infants land

W. R. A. f. B

1828 Nov. Bill & Exhs filed &
Com: awarded to take depositions
& Dec. decree as filed —

Jany. decree amended

June Report rec.d & Ex. decree
for writ of Ex to receive one fourth
in lieu of dower &c

To the worshipfull Court of Southampton county
in Chancery sitting: Humbly complaining shews
to your worships Thomas Handley guardian to
Mary Ann & Nancy Caroline Handley, that
a certain tract lying & being in this county, which belonged to
the late John Handley of this county, descended
to the above named children as his heirs: that the
widow of the said John Handley, who since his
death intermarried with a certain Allen Butcher
is entitled to dower in the said land, which as yet
has not been laid off & safeguard to her: that the
situation of the intestate, John's estate was such
as to require a sale of all his personal estate save
only two negro's, viz: one old man & a young girl;
that it is represented to your orator by the admor
of the said John, Solomon Bligh, that he probably
has enough in hand to pay all the debt against
the decedents estate so as that it will be unnecessary
to sell the said negros: that your orator is advised
that it would be imprudent (whether it should or
should not be necessary to sell the said negros)
to obtain a decree for the sale of the said land

inasmuch as the said infants are without the means of support unless they shall be enabled to derive them from the sale of the said land; for if the negros should not be sold, the hire of them will be very insufficient for that purpose; and the land would rent for little or nothing, there being a poor tract, and the houses in a state of decay, tho in fact the houses and orchard contiguous would be most probable a pledge to the widow for her dower; your orator is also advised that were there a certainty that the said negros should be sold, it would be his duty to pray for a sale of the said land & with the money arising therefrom to purchase these negros: your orator, further shews to your worships that the portion of the said infants would fall much below the value of three hundred dollars. In tender consideration of the premises and for as much as your orator is remediless in the premises save in a court of Chancery where matters of this and the like kind are properly cognizable and relievable: To the end therefore that your worships will decree a sale of the said land upon such terms as to them shall seem meet & proper; that your worships will appoint some person as guardian ad litem to defend the infants in the premises, and make such other & further decree in the premises as equity & the nature of your orators application may require May it please &c

The answer of Matthew Williams, specially appointed guardian ad litem to defend the infants Mary, Ann & Nancy Caroline Hundley in the suit instituted by Thos: Hundley in this court for the decree of the sale of the said infants land. This defendant now & at all times saving & reserving to answer to the said bill, particularly as to all the charges and allegations therein set forth, and says that the facts are fully & fairly stated & represented by your worships, and therefore concurring in the prayer of the said prayed for, advises and recommends that a decree for the sale thereof be made upon such terms as the court may think it prudent & direct to direct. This defendant having now answered, prays to be hence dismissed &c.

Hundley, Guardian &c
v
Williams, Guardian &c

This day this cause came on again to be heard upon the deposition taken in pursuance of a commission awarded at last court, whereupon the Court reserving &c doth adjudge order and decree a sale of the tract of land, whereof the said John Hundley died seized and possessed subject to the widows dower therein; that the commissioners who shall be hereafter nominated, in the first place, lay off and assign to Batcher, formerly Hundley, widow & relict of the said John, one third part of the said tract of land, for her dower; and then proceed to sell the said tract in a body, subject to the widows dower, or in separate parcels to suit purchasers, as they the said commissioners shall determine to be most advantageous and likely to produce the larger sum of money; and the said commissioners are further ordered to take of the purchaser or purchasers bonds with approved security for the purchase money, and also a deed of trust or deeds of trust upon the said land, or to withhold the title to the same until the said money shall be paid. The commissioners and the two surveyors to wit Daniel & Polly are further ordered to sell the said land upon a credit except for so much in cash as shall be necessary to defray the expenses of this suit of nine months, after having given ten days notice by advertisements at the most convenient public places in the neighborhood of the time and place of sale, which shall be on the premises. And John Dick, Matthew Williams and Geo: Gardner are hereby nominated and appointed commissioners, to carry the foregoing decree into effect, any two of whom are authorized to act in

this behalf, and are fully empowered to execute a deed or deeds
to the purchaser or purchasers, and receive a deed or deeds of
trust from them; and are further directed to deliver over to
Thomas Hundley, guardian as aforesaid, the bonds for the
purchase money, which shall be (if there be one purchaser)
~~one or more bonds~~ one bond for the whole amount, and the
said Commissioners are hereby ordered and required to make
report to this Court of their actings and doings by and under
this decree.

Hundley, &c
v
Hundley, &c

Hundley

vs 3 Deeds

Hundley

1829 Jenny Grant

Hunter Guardian &c
vs
Williams Guardian &c

This day this cause was further heard upon argument by counsel whereupon the Court amended their former decree by authorising the Commissioners herefore appointed to sell the two negroes Davis Daniel & Dolly and ordered & directed for the sale of the negroes delivering the bonds &c by them executed before & to retain them or it until the further order of the Court in relation to the portion thereof assigned the Bracker & wife for their share of the proceeds of sales of the said negroes. and further reserve in each of the said cases & negroes so much as will defray the expenses of this suit

Southampton County December Court 1828

Thomas Bundley Guardian to Mary, Ann & Nancy Caroline Bundley Pffs:

against

Matthew Williams Specially appointed Guardian ad litem to defend the infants Mary, Ann & Nancy Caroline Bundley Defendant

Jno Chancey

This day this cause came on again to be heard upon the depositions taken in pursuance to a commission awarded at the last Court, whereupon the Court reserving &c doth adjudge, order and decree that a sale of the tract of land, whereof the said John Bundley died seized and possessed subject to the widows dower therein; that the Commissioners who shall be hereafter appointed, in the first place lay off and assign to Balcher formerly Bundley, Widow & relict of the said John one third part of the said tract of land, for her dower, and then proceed to sell the said tract in a body, subject to the Widows dower, or in seperate parcels to suit purchasers, as they the said Commissioners shall determine to be most advantageous and likely to produce the largest sum of money: and the said Commissioners are further ordered to take of the purchaser or purchasers bonds with approved security for the purchase money, and also a Deed of trust or deeds of trust upon the said land or to withhold the title to the same until the said money shall be paid. The Commissioners are further ordered to sell the said land upon a credit, except so much in cash as shall necessary to defray the expenses of this suit, of nine months, after having given ten days notice by advertisements at the most convenient public places in the neighbourhood, of the time and place of sale, which shall be on the premises, And John Vick, Matthew Williams, and George Gardner are hereby nominated and appointed Commissioners, to carry the foregoing decree into effect, any two of whom are authorized to act in this behalf and are fully empowered to execute a deed or deeds to the purchaser or purchasers, and receive a deed or deeds of trust from them; and are further directed to deliver over to Thomas Bundley Guardian as aforesaid the bonds for the purchase money, which shall be (if there be on purchaser) one bond for the whole amount: and the said Commissioners are hereby ordered and required to make report to this Court in order to a final decree

Copy Teste J Rachell c c

Received 9th June 1830 of the Clerk of Southampton the bond returned by the Commissioners in this case, in pursuance of the order of March Court 1830

Thomas Hanley

Thomas Hanley &c
v
Edward Lewis
Thomas Hanley &c

The Commissioners

Hundley &c

v. &c Report

Hundley &c

1829 June: See dec. w entered

1829 July - decree amended

1830 March: ordered that the bond
not be delivered to Thomas Hundley

Hundley &c

v. &c Copy decree

Hundley

For Commissioners

Southampton County January Court 1829

Thomas Hundley Guardian to Mary Ann & Nancy Caroline Hundley

against

In Chancery

Matthew Williams specially appointed Guardian
ad litem to Mary Ann & Nancy Caroline Hundley } Defts

This day this cause was further heard upon the argument of Counsel
whereupon the Court amended their former decree by authorizing the
Commissioners heretofore appointed to sell the two negroes, to wit Dan-
iel & Dolly and instead of delivering the bonds for the sale of the
negroes as before directed, to retain them or it until the further
order of the Court in relation to the portion to be assigned Bracher
& Wife for their share of the proceeds of sales of the said negroes
and further receive in cash of both the land and negroes so much as
will defray the expenses of this suit; and that the said Commissioners
or such of them as do act make report of their proceedings in order to a
final decree.

A Copy Teste James Rochelle c.c.

Hunter Jun
to
Hunter's Sons

Depositions

Pikeville Nov. 22nd 1828.

The deposition of John Rich taken before us at the ~~Office~~ towne of Geo: G. Guthrie in the Town of Jerusalem by virtue of the above commission to us directed in the presence of Mathew Williams Judge who had in evidence upon the hearing of the cause Hundley Judge vs Hundleys heirs &c

This deponent being first duly sworn upon the Holy Evangelists of almighty God, deposeth & saith; that he has very lately been over the land that the late John Hundley died seized and possessed, and is satisfied that it will not sell for such a sum as that each childs portion or share will be equal to three hundred dollars; on the contrary he is of opinion that the portion or share of each child (there being three children) will be much less than that sum: he is informed and believes that all the personal estate that the late John Hundley died possessed of, has been sold by his admor for the payment of debts excepting two negroes, an old man & ~~a woman~~ woman a young girl. and &c

Question by Mathew Williams. Do you think that a sale

of the said land would be to the interest and advantage
of the said Children?

Answer. I do.

Question by Same. Have you such information or knowledge
in this matter, as to enable you to speak with confidence
of the prosperity of the proposed sale?

answer. I consider that I have; and therefore speak with
confidence upon the subject."

We hereby certify that the foregoing deposition was
duly taken before us the 22nd Nov 1828. witness our hands
the day & year first mentioned.

James B. Sims J.P.
Wm B. Bowlegs J.P.

Dundley Ld
to Com: to take dep.

Dundley

The Commonwealth of Virginia to William B. Goodwyn and Saml B. Kinc[illegible] Gentlemen Justices of the Peace for the County of Southampton. Greeting: Know Ye: that we trusting in your fidelity and provident circumspection in diligently examining whatsoever Witnesses as well on behalf of Thomas Hunley, Guardian to Mary Ann & Nancy Caroline Hunley as of Matthew Williams specially appointed Guardian ad litem to defend the infants Mary Ann & Nancy Caroline Hunly in a suit in Chancery depending in our County Court of Southampton, command you or any two or more of you that on such time and place as you shall appoint you assemble yourselves and the witnesses aforesaid before you, you call and cause to come and diligently examine on the Holy Evangelist of Almighty God. and their examination into our said Court duly timely and plainly without delay you send and certify under your hands & Seals enclosed, returning also this Writ Witness James Rochelle Clerk of our said Court at his Office this 23d day of November 1828. In the 53d year of the Commonwealth.

James Rochelle c.c.

January 31st. 1829

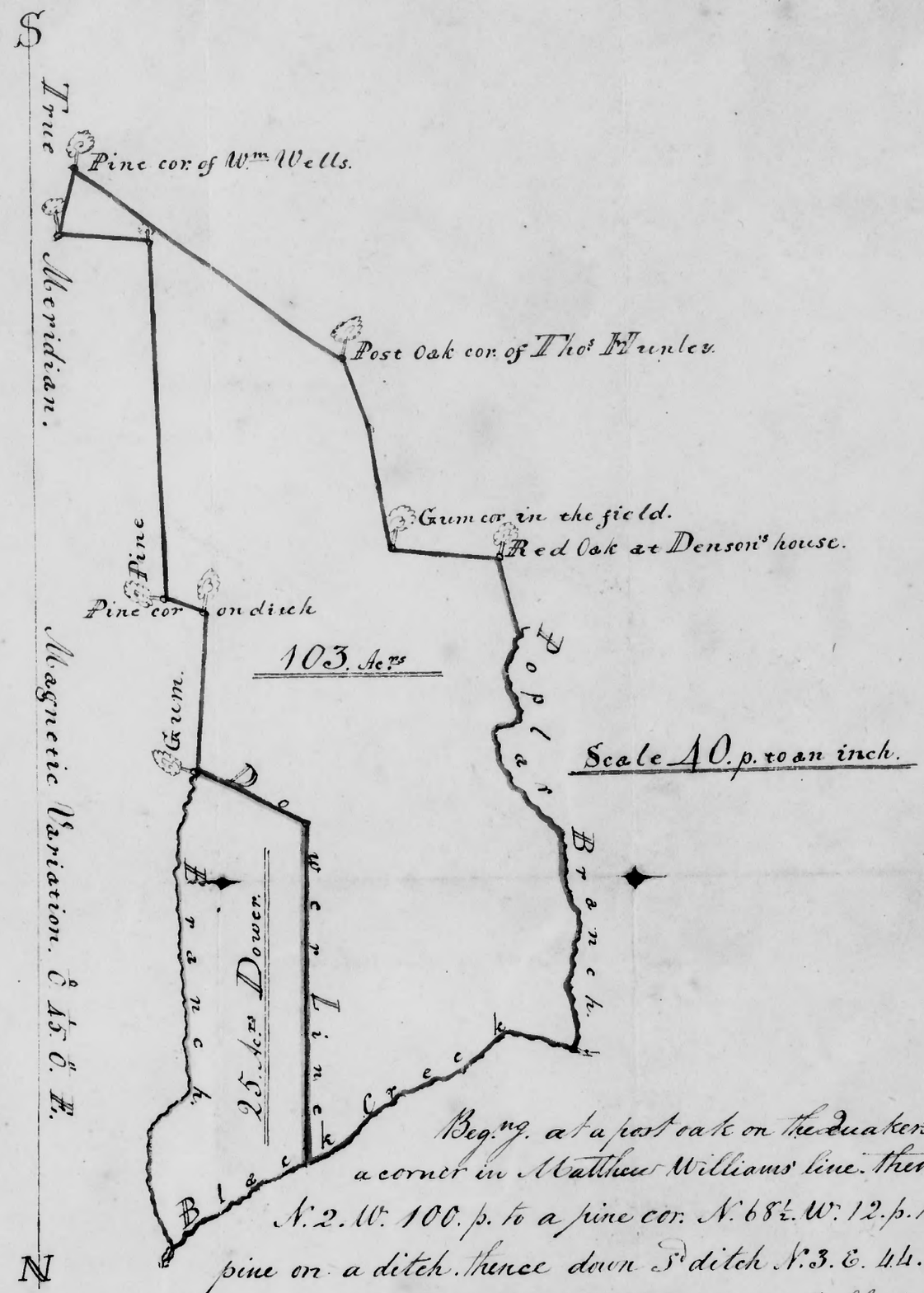
The Amount of the Sales, of John L Hundley's real Estate, sold by the Comrs. John Vick, George Gardner, and Matthew Williams; Agreable to a Decree of Southampton, January Court, to make sale of the Tract of Land and Negroes belonging to the Sd Hundley; and report the same to the Court. 1829

			$	c	$	c	$	c.
			W. Cost		Expence		N. Amt.	
128 Acres of Land at 7/6 ℔ acre	To	Thomas Hundley Subject to the Widows Dower	160	00				
		For Commissions on			8	00		
		For Decree			10	00		
		For Recording			3	37½		
		For Surveying			10	00		
							128	62½
1 Negro Man Daniel	To	Thomas Hundley	136	25				
		For Commissions on			6	81¼		
							129	43¾
1 Negro Girl Dorothy	To	Matthew Williams	160	50				
		For Commissions on			8	02½		
							152	47½
			456	75	46	21½	410	53¾

Commissioners

John Vick
George Gardner
Matthew Williams

Platt of Land.



Begng. at a post oak on the Quakers road a corner in Matthew Williams' line. thence N. 2. W. 100. p. to a pine cor. N. 68½. W. 12. p. to a cor pine on a ditch. thence down Sd ditch N. 3. E. 44..5. p. to a gum in a branch. thence down the various courses of Sd branch to black creek thence up the various courses of Sd Creek to the poplar branch. thence up the various courses of Sd branch 107. p. thence S. 14½. E. 21..6. p. to a red oak a cor near Wm Densons house. S. 84½. E. 32. p. to a sweet gum cor in the field. S. 10. E. 34. p. S. 23. E. 21. p. to a cor post oak in Thos Hunleys line. S. 52. E. 91..5. p. to a cor. pine in Wm Wells' line N. 11. E. 19. p. to a cor pine at the Sd Quakers road. thence along Sd road N. 85. W. 25. p to the begng. Containing 128. Acrs

Dower line, begng. at a gum in a branch near the ditch. thence N. 63½. W. 34. p. to a corner appletree in the orchard. thence N.—95. p. to black Creek Containing 25. Acrs.

Surveyd on the 11th Febry 1829.

Geo. H. Gray. C.S.

We the undersigned wish (and do certify by these presents)
a sale of the two remaining negros whom of the late John
Hunley died possessed: and for that purpose may to be
made parties defendants to the suit by Hunley Guthrie
v Wallace Williams Guthrie; and that the Court will
direct but such part of the proceeds of sale as
may reasonable and fair. Given under our hands
the 2nd day of January 1829

his
Allen X Bradshaw
mark

her
Dermedy + Bradshaw
mark

Alfred Dungon

his
Matthew X Bradshaw
mark