

1867-10 Southampton County-Chancery Booth, Sarah vs Hart, Ethelored

~~68~~ 59 56

Booth

or { Papers.

Ant

Booth
vs } Bill
Hart:

1866. June Rules

To The Honble. Judge of the Circuit Court
for Southampton County.

Respectfully complaining she with unto your
Honor, your Oratrix, Sarah Booth, That she inter-
married with John Booth, and lived with him, until
his death in the month of May 1863, and is now
his widow - That during the cohabitation her
husband was seized in fee of a tract of Land,
lying in the County of Southampton, and containing
by estimation 700 acres - That after the marriage
her husband, executed a deed of Trust on the
said Land, (in which your Oratrix did not unite,
which was sold upon the deed, during the co-
habitation - and is now in possession of Theodos
Hunt.

That since the alienation of the husband, the
property has been materially diminished in value -
The houses have been removed, and your Oratrix thus
deprived of her full rights, even if the present owner
of the Land should be willing to assign her down
as it now stands -

That your Oratrix has applied to Theodos
Hunt to assign her down, in the Land above mentioned
and to pay her damages for its situation, but he
has declined to accede to her just - and
reasonable demands - and she is compelled to

well aid from the Court of this County.

In view Consideration of all which and in as
much as your Orator is without adequate relief
in the premises, except in a Court of Equity.

To the End therefore, That justice may be done
your Orator prays the Court to make Eth^d Ward
a defendant to this bill, with proper words to
Charge him, and compel him to answer its
allegations, fully and unreservedly as if particularly
interrogated. That Commissioners make his app-
earance, and assist to assign to your Orator
his share in the real estate, above mentioned
late of his husband John Booth, during the
Coverture and now held by Eth^d Ward. And
grant such other and general relief in the
premises as Equity may require, and the nature
of this case may require.

May it please the Court. Le -

Chambers. p.p.

Booth

& } Copy desired

Start

1867 Apr 15 Report.

17 6
76-771
-54 861

At a Circuit Court held for the County of Southampton, on
Wednesday the 7th day of November, 1866.

Sarah Booth

Plff.

against
Ethelred Hart

Def.

In Chancery

The bill having been taken for confessed at Rules as to the defendant,
Ethelred Hart, this cause came on this day to be heard on the bill
of the plaintiff and was argued by counsel. On consideration whereof
the Court doth adjudge, order and decree that George N. Musgrave,
Wm. S. Francis, Edw. Beaton and Nathaniel S. Francis, any three
of whom may act, who are hereby appointed Commissioners for the purpose
of assigning and laying off by notes and bounds one third in value
of a tract of land lying in Southampton County, containing 400
acres and which was aliened by John Booth her husband during
the coverture and now in possession of Ethelred Hart to Sarah Booth
the widow of John Booth, to be held by her for life as her dower in said
land. The Commissioners will report their action under this Decree to
the Court.

A Copy

Test.

L R. Edwards W

We the under signed Commissioners have examined the land named
in the above order and have allotted Sarah Booth one third
in value to the best ^{of our} ability - Running the line from E. Hart's
Line nearly south to a large red oak, and thence along the line
where the old fence formerly ran and thence on ^{to} Sykes' line
leaving her part East of said line to the mill Swamp
Given under our hands this 5th day of March 1867

Edward Beaton

Wm. S. Francis

N. S. Francis

Commissioners

Booth

25. } notes for auction
Hart.

Nov June 1866.

To be entered -

R. H. Baker

Booth.

no.

Hart.

The Bill having been taken for consideration
at Rules as to the defendant Etheldreda Hart: this case
came on this way when heard on the Bill of the Plaintiff
and was argued by counsel, on consideration thereof.
The learned judge ordered an order that Benjamin
Mungro, Wm S. Francis, E. B. B. & Nathaniel J. Francis, any three
of whom may act, who are hereby appointed commissioners
for the purpose, signed and lay off by metes & bounds
one third in value of a tract of land, lying in
Southampton County, containing 700 acres & which
was claimed by John Booth his husband, according to the
Contract and now in possession of Etheldreda Hart to
the Sarah Booth the widow of John Booth, she held
of her for life or her heirs in said land.
The Court will report their action under this order
to the Court.

Sarah Booth, widow of John Booth - owned
a tract of land, secured in trust, to Nat. French.
Soto under the deed, & James H. Benson, he was
the purchaser, & sold it to Ethel Hunt, who is
now in possession. - Booth died in May 1863.

Booth.

W. E. G. W. W.

St. art.

at Mary Term. 1866

Executed Apr. 27th 1866 by delivering a copy.

P. Carson Deft
for V. Hello Cliff



The Commonwealth of Virginia To the Sheriff of Southampton County.
Greeting We command you to Summon Ethelred Hart

to appear before the Judge of our Circuit Court of Southampton County at the
Courthouse on the first day of the next Term of the said Court to answer a bill in chancery
exhibited against him in our said Court by Sarah Booth widow &c

And have shown this writ. Witness my hand R Edwards Clerk of our
said Court at the Court house this 18th day of April 1866 in the 90th
year of the Commonwealth.

L R Edwards

Booth
no. } acres
Hart.

Nov. Ct. 1867.

To be sent to

R. H. Baker

Booth vs Hart.

This day this cause came on to be finally heard on the papers formerly read, on the report of G. O. Beaton, Frances and Frances, made under the decree of this Court rendered at New Term 1866. and was argued by counsel. On consideration whereof, the Court ~~with~~ confirming the said report to which no exception has been filed doth adjudge oral and decree that the same be binding between the parties and that the defendant pay to the Plaintiff her costs, by her in this suit expended.

Booth

in } Stat. Rules.

Hart

Colk

\$6.13

6104

Colk.

\$6.13

50

15.50

\$22.13

In Southampton Circuit Court.

Sarah Booth

against

Etheldred Hart

1866 April 18th Summons & issued

" June R. Bill filed. Decree nisi vs. Deft.

" July " Bill taken for confessed.

" Aug " Case set for hearing &c.

" Nov T. Decree to allot dower.

1867 Apr. 15 Report

" May T. Report Confm^d &c.